

By Mr. GALLIVAN: Petition of Pilgrim Publicity Association, against increase in second-class postage; to the Committee on Ways and Means.

Also, petition of the National Security League, relative to committee of three or five men for Bureau of Information; to the Committee on Military Affairs.

## SENATE.

MONDAY, April 15, 1918.

Most Rev. Edward J. Hanna, Archbishop of San Francisco, offered the following prayer:

O God of our fathers, in whose hands are the lives of men and in whose power is the destiny of the Nation, look down upon Thy children gathered here in Thy name. In the way of Thy love Thou hast again visited this body and taken from it one whose power was our glory. Make us recognize that with Thee are the issues of life and death. Make us submissive to the decree of Thy divine providence. Thou alone can bring strength to those who mourn. Thou alone can bring peace to hearts oppressed by grief and pain. O grant that his loved ones may find strength in Thee to bear their loss. Grant that his loved ones may through their tears look up to Thee as the only source of joy and consolation.

Chosen representatives of a mighty people, we come to Thee in the most crucial day in the history of our civilization. O give us light that we may see Thy way among the nations. Give us strength that we may follow the light whithersoever it may be. Make our laws reflect Thy divine wisdom and may they direct the issues of the world unto Thy greater glory.

Give strength unto our President and to those in whose hands are the affairs of our mighty people. We pray above all things that they may have strength and power to endure and to fight to the end. Give strength to our men who in fields afar battle for our rights. Give strength to their arms that they may win victory and that through victory there may come peace. And grant, O Lord, that in the days of peace we may grow in power unto righteousness and unto the glory of Thy holy name. Amen.

The Journal of Saturday's proceedings was read and approved.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 123) providing for the calling into military service of certain classes of persons registered and liable for military service under the terms of the act of Congress approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 11364) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, in which it requested the concurrence of the Senate.

The message further transmitted to the Senate resolutions on the death of Hon. ROBERT F. BROUSSARD, late a Senator from the State of Louisiana.

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 3980. An act to prevent interference with the use of homing pigeons by the United States, to provide a penalty for such interference, and for other purposes;

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women; and

H. R. 9901. An act to give indemnity for damages caused by American forces abroad.

### DEATH OF SENATOR STONE.

Mr. REED. Mr. President, Senator STONE died on yesterday, at 4.30 o'clock in the afternoon. His funeral services will occur at the family residence at 4 o'clock this afternoon. His body will be borne to the capital of his State, arriving there on Tuesday morning. It will lie in state in the capitol building a part of Tuesday. It will then be conveyed to Nevada, Mo., for interment amidst those surroundings where he began his illustrious career.

In a few days more he would have arrived at the allotted threescore years and ten. Over half of that long period he had devoted to the public service. He now returns to his State the badge of his office, upon which there is neither blot nor stain. Dishonor never laid its touch upon the life of WILLIAM JOEL STONE. It may of him be justly said that all his mature life

was devoted to his country. Possessing those great abilities which would have enabled him to achieve eminence in any position of life and to have acquired fortune, he chose to devote his talents to the public welfare and to lead a life devoid of luxury and to die without even a competency.

His love of country was so passionate as to be beyond the understanding of many men. His loyalty was so exalted that he was not always understood, for all could not rise to the sublime devotion which inspired his soul. I knew Senator STONE better than any man outside his immediate blood kin. I knew him so well that I am sure I knew his great soul—the soul of this great Missourian and great American.

Knowing him in this intimate way, I may be permitted to say that during the last three weeks constant news from the battle fields of France telling the story of how our lines were being pushed back by German hordes fell upon his heart with a crushing force. Of all the men I have known there is not one who seemed to me to feel so much the weight of anxiety for our cause, upon whose lips there was so passionate a prayer for victory for the arms of our allies and of our own soldiers. I use no extravagance of speech when I declare that could we restore to him the life that has passed out and bring him here among us clothed in health and flesh he would gladly give his life again if thereby he could serve his country's cause and bring to it a great and victorious peace.

At such a time as this and in the days that are to come, when the wounds of a bleeding world must be bound up, the Senate can ill afford, his State can ill afford, his country can ill afford, the world can ill afford his absence.

Mr. President, I offer the following resolutions, and ask for their immediate consideration.

The VICE PRESIDENT. The resolutions will be read.

The resolutions (S. Res. 225) were read, considered by unanimous consent, and unanimously agreed to, as follows:

*Resolved*, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM JOEL STONE, late a Senator from the State of Missouri.

*Resolved*, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. STONE, which will take place at 4 o'clock post meridian to-day at his late residence in this city.

*Resolved*, That as a further mark of respect his remains be removed from his late home in this city to Nevada, Mo., for burial, in charge of the Sergeant at Arms, attended by the committee, which shall have full power to carry these resolutions into effect.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives.

The VICE PRESIDENT appointed, under the second resolution, as the committee on the part of the Senate Mr. REED, Mr. HITCHCOCK, Mr. SMITH of Arizona, Mr. PITTMAN, Mr. JONES of New Mexico, Mr. KING, Mr. KENDRICK, Mr. GALLINGER, Mr. SMOOT, Mr. CURTIS, Mr. SUTHERLAND, and Mr. FERNALD.

Mr. REED. Mr. President, I submit the following resolution, and ask for its adoption.

The VICE PRESIDENT. It will be read.

The Secretary read as follows:

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

The resolution was unanimously agreed to; and (at 12 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 16, 1918, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

MONDAY, April 15, 1918.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou who art supremely great, Infinite in all Thine attributes, our God and our Father; above all, through all, and in us all; make us, we beseech Thee, fit temples for the indwelling of Thy Spirit and tractable to its holy influence; that we may conceive wisely, follow the dictates of a clear conscience, and stand firm in our convictions.

Thus may we think well, live well, pray without ceasing, and be ready, when the summons comes, to pass on into the realms of the blest.

Death has laid a heavy toll upon the congressional family, leaving us to mourn, by the passing of two faithful and conspicuous Senators, the wife of a Representative of this body, and one of the oldest and most trustworthy employees of this House.

Comfort us and their several families, by the faith once delivered to the saints, through Him who said, "I am the resurrection and the life; whosoever believeth on me shall never die." Amen.

The Journal of the proceedings of Saturday, April 13, 1918, was read and approved.

#### OUR SERVICE FLAG.

Mr. CRAGO. Mr. Speaker, this is the fifty-third anniversary of one of the saddest days in American history. Fifty-three years ago to-day in the city of Washington the brave spirit—the life spark—of President Lincoln returned to God who gave it. Let us all hope that in this crisis that spirit is still with us as a Nation and as a people. I have taken the occasion of this solemn memorial day to call attention to the fact that on April 7 last Gen. Pershing, in urging a large subscription to the liberty loan as an expression of confidence by the people at home in the American soldiers at the front, cabled Secretary McAdoo as follows:

Every dollar subscribed to the liberty loan is a dollar invested in American manhood. Every dollar subscribed as the result of self-denial means partnership in the hardships and risks of our men in the trenches. Every dollar subscribed will confirm the determination of our people at home to stand by its Army to a victorious end. An overwhelming subscription to the third liberty loan will be a patriotic expression of confidence in our ability as a Nation to maintain all that we hold dear in civilization.

This expression of our commanding general from the front—somewhere in France—is, to my mind, most timely and to the point, and I submit the same with the following verses in the hope that some one with poetic thought and words may give proper expression to the ideas the verses seek to convey:

#### OUR SERVICE FLAG.

There's a little flag—the service flag—

Which hangs in our homes to-day,  
With its stars of blue or its stars of gold,  
Which tell of loved ones away.

This little flag—this silent flag—

Tells more than words can say  
Of the solemn pride of the folks at home,  
Who can but work and pray.

O may these stars—these service stars—

Not change from blue to gold,  
Yet well we know our country's pride  
These boys will now uphold.

For love of that flag—that service flag—

There is work for each to do;  
Let's all do our bit, let's all do our best,  
Is the motto for me and for you.

For love of our homes and our native land

Let each of us here decide  
We will gladly respond to our general's call  
From the front on the other side.

For that service flag—that prized home flag—

With stars of whatever hue,  
Means our men are guarding our Nation's flag,  
The red, the white, the blue.

[Applause.]

#### SENATE BILL AND JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate bill and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 3475. An act to prescribe the requisite form of proof of death under policies or contracts of insurance covering the lives of persons in or serving with or attached to the military forces of the United States, and for other purposes; to the Committee on the Judiciary.

S. J. Res. 124. Joint resolution providing for the registration for military service of all male persons citizens of the United States or residing in the United States who have, since the 5th day of June, 1917, and on or before the day set for the registration by proclamation by the President, attained the age of 21 years, in accordance with such rules and regulations as the President may prescribe under the terms of the act approved May 18, 1917, entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States"; to the Committee on Military Affairs.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. LAZARO, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 9504. An act to amend section 4067 of the Revised Statutes by extending its scope to include women; and

H. R. 9901. An act to give indemnity for damages caused by American forces abroad.

#### DESTRUCTION OR INJURY OF WAR MATERIAL—CONFERENCE REPORT (NO. 487).

Mr. WEBB. Mr. Speaker, I desire to call up the conference report on Senate bill 383, commonly known as the sabotage bill.

The Clerk began the reading of the conference report on the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes.

Mr. WEBB. Mr. Speaker, I ask that the statement be read instead of the report. It is shorter, and the matter will be generally understood by the House.

The SPEAKER. The gentleman asks that the statement of the House conferees be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement of the House conferees.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House striking out all after the enacting clause, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the words 'war material,' as used herein, shall include arms, armament, ammunition, live stock, stores of clothing, food, foodstuffs, or fuel; and shall also include supplies, munitions, and all other articles of whatever description, and any part or ingredients thereof, intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war.

"The words 'war premises,' as used herein, shall include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other military or naval stations of the United States, or any associate nation.

"The words 'war utilities,' as used herein, shall include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, or aircraft, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas; and all dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which water or gas is being furnished, or may be furnished, to any war premises or to the military or naval forces of the United States or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply water, light, heat, power, or facilities of communication to any war premises or to the military or naval forces of the United States, or any associate nation.

"The words 'United States' shall include the Canal Zone and all territory and waters, continental and insular, subject to the jurisdiction of the United States.

"The words 'associate nation,' as used in this act, shall be deemed to mean any nation at war with any nation with which the United States is at war.

"Sec. 2. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully injure or destroy, or shall attempt to so injure or destroy, any war material, war premises, or war utilities, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both.

"Sec. 3. That when the United States is at war, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on



the war, or whoever, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall willfully make or cause to be made in a defective manner, or attempt to make or cause to be made in a defective manner, any war material, as herein defined, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such war material, as herein defined, shall, upon conviction thereof, be fined not more than \$10,000 or imprisoned not more than 30 years, or both."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title and agree to the same.

E. Y. WEBB,  
C. C. CARLIN,  
A. J. VOLSTEAD,

*Managers on the part of the House.*

LEE S. OVERMAN,  
DUNCAN U. FLETCHER,  
KNUTE NELSON,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 383) to punish the destruction or injuring of war material and war transportation facilities by fire, explosives, or other violent means, and to forbid hostile use of property during time of war, and for other purposes, submit the following written statement explaining the effect of the action agreed on:

The Senate recedes from the amendment of the House striking out all of the bill after the enacting clause and substituting therefor the bill as agreed upon in the House, with certain minor changes and additions.

The definition of "war material" in the first paragraph of section 1, is enlarged so as to include live stock, stores of clothing, foodstuffs or fuel, also munitions, and any part or ingredient of the things included in the definition, and defines the use by the words "intended for, adapted to, or suitable for the use of the United States, or any associate nation, in connection with the conduct of the war."

In the third paragraph of section 1 the words "about to be" are changed to "may be" so as to make the clause limiting "war utilities" read, "whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported," etc. It is further amended so as to include water and gas mains, etc., by which water and gas is being furnished or may be furnished to any war premises as well as to the military and naval forces of the United States as originally provided in the House substitute.

Section 2 of the House amendment was changed by striking out the following: "or, whoever, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war shall conspire to prevent the erection or production of such war premises, war material, or war utilities."

Section 3 of the House amendment was stricken out.

E. Y. WEBB,  
C. C. CARLIN,  
A. J. VOLSTEAD,

*Managers on the part of the House.*

Mr. WEBB. Mr. Speaker, I wish to state that on Saturday a week ago the House adopted a conference report embodying the Cannon amendment and the Lunn amendment, known as the labor amendments in the bill. The Senate rejected the conference report, presumably because the Lunn amendment, with reference to the right of labor to strike in order to better conditions or increase wages, was contained in the bill. The House was notified of the rejection, and a further conference requested by the Senate, to which the House agreed. In the conference that was held last Saturday the House conferees agreed to eliminate both the Cannon amendment and the Lunn amendment, and that is the report which we present to you to-day for your adoption. We felt that under the circumstances that was the best way, and certainly the quickest way and possibly the only way out of the difficulty; and there is so much of great value in the other part of the bill that it ought to be passed as speedily as possible in order that offenders may be quickly apprehended.

Mr. MILLER of Minnesota. Will the gentleman yield for an inquiry?

Mr. WEBB. I yield to the gentleman.

Mr. MILLER of Minnesota. As I understand, the conferees decided, and have so reported, to eliminate entirely everything in reference to labor organizations?

Mr. WEBB. That is correct.

Mr. MILLER of Minnesota. Can the gentleman inform the House upon what principle of legislation that is based? Or, not to put it quite that way, what was the influential reason that caused the conferees to eliminate from the operations of this law one class of people in the United States?

Mr. WEBB. "One class of people" are not exempted. That is where the gentleman makes a mistake. If any laboring men or any labor organizations commit any of the numerous offenses defined in this bill as we now present it, they are just as guilty as if they were the humblest men in the land or the richest, regardless of the organization to which they belong. It treats everybody alike—rich and poor, high and low, labor and capital.

Mr. MILLER of Minnesota. We all understand that anybody who commits an act prohibited by the bill as it now stands is committing a crime, of course. That is not what I am asking. I am asking the gentleman why the bill does not contain some provision that will affect a certain class of activities.

Mr. WEBB. I will say that the Cannon amendment does not cover the ground sought to be covered at all. It is a very good amendment, in my opinion, but it applies simply to conspiracies to prevent the construction of war material, war premises, and war utilities. Most of those things are all in existence now and going on. What we want to do is to punish the man who, with reason to believe that it will obstruct the prosecution of the war, does any act forbidden in the bill.

Mr. MILLER of Minnesota. Let me ask the gentleman one question. Does the gentleman's committee have in mind any legislation that will cover that subject which is attempted to be covered by the amendment presented by the gentleman from Illinois [Mr. CANNON] and which was adopted by the House?

Mr. WEBB. The opinion of the Judiciary Committee, and I believe the opinion of the House, at that time was that we should do nothing in the way of legislation at that time with reference to labor organizations. The President has a commission dealing with these great bodies of men now, and this seems to be just a little too important a matter to handle hastily on the floor of the House without careful committee consideration. Some legislation of this character may come. I do not know about that, but at this time it seems to us unwise to inject this big problem into a bill the object of which was different from those sought to be obtained by this amendment. I will say to the gentleman that the conferees labored over it very conscientiously, and it seems to be the understanding and belief on both sides of the House that we should not attempt to cover that subject in this bill.

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. WEBB. I yield to the gentleman from Illinois.

Mr. STERLING of Illinois. Does the gentleman consider that there was anything in the original bill or in the Cannon amendment that prevented strikes, even without the Lunn amendment?

Mr. WEBB. No; I do not think so.

Mr. COX. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. COX. I am not sure but that the gentleman from Illinois asked the same question that I want to ask. Is there any law on the statute book enabling the Department of Justice or any other department to lay its strong arm on men working in a munition plant or a shipyard from agreeing to a strike?

Mr. WEBB. None. The law to-day expressly gives them the right to strike, unless in doing so they conspire to violate some law of the United States.

Mr. COX. Does not the gentleman feel that Congress ought to enact some legislation to prevent them from striking?

Mr. WEBB. Frankly, I do not know. The gentleman may think that the time has come to enact such legislation, but under all the present circumstances it is very doubtful. We did not think that we should hold up this bill, which the Department of Justice is anxious to have passed, in order to try to get something that we might not get.

Mr. COX. I think the time has come when we ought to have some legislation to stop the men from striking.

Mr. WEBB. I will yield to the gentleman from Illinois two minutes.

Mr. CANNON. Mr. Speaker, the so-called Cannon amendment, as modified by the gentleman on my request and at his suggestion, I believed in when it was agreed to by three-quarters of this House on a roll call. It merely, as I recollect it, prohibited a conspiracy to strike under certain conditions. Then came the extraordinary action on the motion of the gentleman from New York [Mr. LUNN], in which the House reversed itself and in which it was provided that nothing herein should

be construed to prevent labor striking to better its condition or to increase its wages.

Now, I realize that this is a very important bill, and that there seemingly is between the House and the Senate the condition of the irresistible body and the immovable force. I think the Senate was right. I believe in the not distant future that there will come on the statute books legislation that will prohibit anybody conspiring to strike pending arbitration, and that all disagreements shall be submitted to arbitration, and that when the award comes it shall be made a judgment of the court, as the President advised when the Adamson bill passed. He said, in substance, he had the pledge of the leaders in both the House and the Senate that it would be promptly passed at the beginning of the next session. That is all I desire to say at this time, but I believe and hope that in the not distant future there will be given power to the President of the United States to prevent, by apt legislation, a striking for higher wages through a conspiracy prior to an arbitration. [Applause.]

Mr. STERLING of Illinois. Will the gentleman yield?

Mr. WEBB. I will yield to the gentleman to ask a question.

Mr. STERLING of Illinois. Does the gentleman from Illinois think that Congress has the power to pass legislation to prevent strikes, unless it would be in industries engaged in interstate commerce? I think the decision of the Supreme Court in construing the Adamson bill, not in express terms but in effect, holds that Congress might by legislation prohibit strikes of men engaged in interstate commerce, but certainly Congress could not go beyond that.

Mr. CANNON. If my colleague will allow me, Congress, as a war measure, can enact legislation that will bring into the service of the United States by a proclamation of the President or by the determination of the President, by conscription or otherwise, any kind of labor.

Mr. STERLING of Illinois. I did not limit the proposition to a war measure.

Mr. CANNON. We are dealing with war measures. This is a war measure, and I believe that the President has been given the power, or I hope he will be given the power, if necessary, to conscript or draft men for service on the farm and upon all industries as a war measure.

Mr. WEBB. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I desire to commend the action of the conferees. The so-called sabotage bill provided punishment for certain overt acts intended or resulting in the destruction or injury of war-material utilities or transportation. An amendment was adopted in the House the effect of which was to greatly modify the legislation by inserting in it a provision relating to conspiracies. In other words, placing in the body of a bill to punish individual overt acts a provision relating to an entirely different class of acts in the nature of conspiracy. That amendment should not have been adopted as a part of the bill presented to the House. The Lunn amendment, providing that nothing contained in the bill should be construed as intended to deny the right of men to strike to better their condition, logically followed that amendment, and made it clear that by the adoption of the Cannon amendment it was not intended to deprive men of the right to attempt to better their condition by striking. It is entirely logical and proper that both amendments should go out of the bill, leaving it as was originally intended, a proper and needed measure to punish overt acts, but not a conspiracy measure. The bill is now restored to its original intent, and I think the conferees were right in the action they took and are to be commended for it.

We are at war and must adopt all the measures necessary and essential to the success of our arms. We should punish swiftly all who attempt to interfere willfully with war activities or enterprises. The Senate bill now under consideration proposes to do that, and will, as we now approve it in the conference report, do it effectively. The Senate did not consider any conspiracy provisions necessary in the bill, and none were necessary, and when the House, after brief consideration, inserted such a provision there was in the minds of many the very reasonable fear that such a provision might be construed as intended to prevent the exercise of a right clearly recognized by our laws and court decisions.

Some may think that laboring men are overcritical and suspicious of such legislation, but we must keep in mind, even in the midst of war, that certain rights have been won only after a long struggle, and that once won men do not, and should not, readily surrender them or allow them to be questioned by decisions under legislation of doubtful meaning and intent.

It will require the united strength and purpose of all our people to win this war. The men in the mines, on the railroads, and in the shops and fields, as well as the heroes in the trenches,

and I am confident that the great majority of them will do their duty whatever it may be, and while the boys are fighting for democracy abroad let us preserve it at home.

Mr. WEBB. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DENISON. I would like to ask the gentleman if there is any law now under which a man can be punished, under this bill or any other law, under these circumstances: If a society of the Industrial Workers of the World should be discovered in conspiracy to destroy property in an ammunition plant or a ship loading with munitions?

Mr. WEBB. Yes; undoubtedly if the bill passes, because a conspiracy to commit any offense against the United States is an offense.

Mr. DENISON. They could be punished if they had not consummated it by an overt act.

Mr. WEBB. Yes; punished the same as if they had committed the overt act.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. The right to strike was specifically preserved by the Clayton antitrust law?

Mr. WEBB. Yes; and passed by a unanimous vote of the House.

Mr. MOORE of Pennsylvania. With the Cannon amendment out and the Lunn amendment out, the bill stands as reported by the committee?

Mr. WEBB. Yes.

Mr. MOORE of Pennsylvania. It is substantially the bill asked for by the administration?

Mr. WEBB. It is a stronger bill than the administration asked for.

Mr. MOORE of Pennsylvania. So that the elimination of these two amendments does not affect the original proposition?

Mr. WEBB. Not at all. We practically have the bill as it was presented by the committee on the floor of the House.

I yield 10 minutes to the gentleman from Michigan [Mr. CURRIE].

Mr. CURRIE of Michigan. Mr. Speaker, I thank the gentleman for the time that he has yielded to me. I agree with the gentleman from Illinois [Mr. CANNON] that the conference report is not satisfactory, but it is gratifying to know that final action upon this measure is at hand.

It will be a great relief to loyal people the country over when this sabotage bill shall be enacted into law. For months their patience has been tried to the breaking point. They have been obliged to listen to disloyal utterances from traitorous persons who blaspheme the Government and sow the seed of sedition everywhere. They read in the daily press and even in the CONGRESSIONAL RECORD itself that our aeroplane plants, shipyards, and other war industries are literally infested with spies and German propagandists, tampering with blue prints, retarding production, and doing other things to counteract and defeat our purpose and aid the Kaiser, yet going unpunished to further prey upon our tolerance.

Only last week the United States district attorney at Detroit informed me that a mechanic employed in the Liberty Motor Co. plant willfully broke a complex machine causing an actual loss in production of 13 aeroplane engines; yet there is no Federal statute under which to prosecute the culprit. It is a startling fact that in Detroit alone Federal agents and operatives of a patriotic organization have secured proof in over a thousand cases of a similar nature, yet rarely a prosecution. Almost every hamlet in the country has appealed to the Federal authorities for the suppression of disloyalty. Rare are the instances in which relief has been secured.

The great battle that may decide the fate of civilization itself now rages. We are face to face with the greatest crisis of all history and we realize it now. Americans await with breathless anxiety news from the front. The Army of the United States goes forward to the battle line. God helping them, with their brothers who are rushing forward to fight by their sides, they will turn the tide to victory and be heralded down through all the ages as the saviors of humanity. Never was there such an intense moment fraught with such serious possibilities and consequences. American people are no longer in a mood to tolerate Kaiser aids in their midst. We have already observed to our shame prominent people in a peaceful Illinois town lynch a suspected German spy or propagandist, and in explaining this deplorable incident the Collinsville mayor said:

The lynching was the direct result of a widespread feeling in this community that the Government will not punish disloyalty, and although I deprecate the existence of this feeling, it is, nevertheless, not without some foundation. We have repeatedly reported to Federal authorities cases of disloyalty where no action has been taken, and probably could not be taken, by reason of the inadequacy of the law.



This same sentiment prevails throughout the country, and unless Federal authorities relieve the righteous indignation of patriotic people other disgraceful incidents of mob violence may occur.

It is, then a pertinent question to inquire, wherein rests the responsibility for this inactivity on the part of Federal authorities?

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. CURRIE of Michigan. I yield to the gentleman.

Mr. CANNON. Mr. Speaker, speaking of the Collinsville matter—the lynching of a man with a German name, Praeger—I have had something of information in respect to it. How well founded it is I do not know, but it is asserted that Praeger was a thoroughly loyal man, and that his death came under false pretenses, due to a local condition, because he was not under the tongue of good report with a certain organization, and that they took advantage of the name to kill him and claimed he was disloyal. What the facts are I do not know.

Mr. CURRIE of Michigan. But this condition of mob violence usually results from the failure of Federal authorities to suppress disloyalty.

Mr. GORDON. Mr. Speaker, will the gentleman yield?

Mr. CURRIE of Michigan. I can not yield.

With this in mind, I recently addressed the Department of Justice, inquiring whether it was the lack of law or law enforcement, and what suggestions, if any, this department had made to Congress upon the subject. The reply was a startling revelation to me and likely will be to many Members of Congress.

Attorney General Gregory, in part, says:

There is as yet no Federal statute, except the treason statute (which is unworkable for this purpose), under which the Government can prosecute men who attempt to destroy factories, munitions, and other stores necessary for our armies. The so-called sabotage bill, prepared by this department and introduced more than a year ago, is now before your body, and I hope speedy action may be taken thereon.

The so-called sabotage bill was passed by the Senate a year ago. It is a regrettable fact that it was not acted upon in the House until nearly a year later. The House passed this bill on March 6, 1918, amending it first by adding to section 2 the so-called Cannon-Webb amendment—

Or whoever with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war, shall conspire to prevent the erection or production of such war premises, war material, or war utility.

And then practically destroyed that amendment by adding section 3, reading as follows:

Nothing herein shall be construed as making it unlawful for employees to agree together to stop work or not to enter thereon with a bona fide purpose of securing better wages or conditions of employment.

In my judgment, adding section 3 was a serious blunder, and I compliment the conferees that the conference report before us to-day has eliminated that amendment; and I likewise regret that the Cannon-Webb amendment, intended to strengthen the bill, was not retained. In striking it out, we have not listened to labor, which is loyal and true. We have heeded the arguments of the labor agitator. It was bad enough in time of peace for persons to come before Congress and, in substance, threaten to tie up the great transportation systems of the country in 48 hours if the Government did not grant its request. Mediation or arbitration would not suffice them. Then we were at peace; now we are at war; and every real American must consecrate himself absolutely to the winning of this war and nothing else. The greedy profiteer who thinks and acts only for gain, searching for gold in Government contracts while others are yielding their lives for him, and the strikers who would willfully and deliberately violate the provisions of the so-called Webb-Cannon amendment are in the same class—traitors to their country and to humanity.

My sympathy is with the toiler; but I have no sympathy with the man or group of men who, seeing others for a meager wage in the service, yielding their lives that humanity may survive and the ravages of the Hun be repelled while they, drawing the greatest wage ever paid in the history of the country, throw down their tools, hinder production, delay transportation, and imperil not only their own protection, but the very life of their country.

It is a startling fact that during the first six months after this country entered the war there were over 1,156 strikes, mostly in industries essential to war production. The number of days of production lost was 6,285,519. The magnitude of this waste can be best appreciated by stating that it would require a plant employing 1,000 employees to operate 300 working days each year for nearly 21 years to recoup this loss. And think of it; our Nation at war and many of these very strikers exempted because needed in war industry. If they will not work, then make them fight. If the man in the service refuses to do his part in the prosecution of the war he is court-martialed

and shot; but here we are in Congress spending our time in trying to make certain that the fellow who stays home and strikes will not be amenable to this law and may conspire with others to defeat its very purpose. Ask the father and mother of the boy in the service whether we should be so solicitous for the striker, from whom no hazardous service has been requested.

My friends, every appeal by labor to Government boards has resulted in favorable decision for it. There is no tendency to be unfair with labor. If section 3 is retained in this bill it will stand forth as an invitation to all the agents of the Kaiser in America to incite and encourage strikes in our war industries, from the sawmills of the South and the West to the munition plants of the North and the East. They can do it, and will do it, with impunity unless section 3 is eliminated. We will either strike that section out to-day or righteous public sentiment will compel us to before many months more of this war. If this conference report had retained the Cannon-Webb amendment it would have given to the country the greatest war legislation since the passage of the act creating the National Army. And let us resolve here to-day that there shall be no further delay in the program of supplying necessary legislation for apprehending and punishing disloyalty and traitorous conduct everywhere it shows its head. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. CURRIE of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan? [After a pause.] The Chair hears none.

The matter referred to is as follows:

APRIL 2, 1918.

DEPARTMENT OF JUSTICE,  
Washington, D. C.

GENTLEMEN: You are undoubtedly aware of the strong feeling throughout the country that our Government authorities are dealing too leniently with spies and dangerous enemies within our confines. It is commonly reported that our aeroplane plants are literally infested with spies and that blue prints have been changed, production hindered, and even the complete planes so tampered with as to render them unsafe. Inquiry at the United States marshal's office in the State of Michigan brings forth the claim that we have not sufficient laws with which to deal with this situation. It is very apparent that we either lack the law or its enforcement. I assume that the bill recently passed by the House to punish willful interference with war production was intended, in part, at least, to care for this situation.

Will you please advise if any legislation is yet required, in the opinion of your department, to properly handle this situation, and whether any suggestion has been made by your department in this regard?

I am not familiar enough with the custom here to know, but in State affairs we depend a great deal upon suggestions from the departments as to desired legislation.

I realize that it is much easier to criticize than to perform, and I am satisfied that this important matter is and has been receiving the utmost consideration by you. However, I receive so many inquiries and am so intensely interested in a betterment of conditions with respect to spy activities that I will appreciate your reply.

Very respectfully,

GILBERT A. CURRIE.

APRIL 12, 1918.

Hon. GILBERT A. CURRIE,  
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter to the Department of Justice, under date of the 2d instant, in which you refer to certain alleged activities of "spies" and state that "there exists a strong feeling throughout the country that our Government authorities are dealing too leniently with spies and dangerous enemies within our confines."

If such a feeling does exist, it is mainly caused by the lack of Federal statutes and not by any lack of activity upon the part of the prosecuting officials, for I am glad to assure you that the Department of Justice has investigated and, so far as the present laws warrant, vigorously prosecuted every case of enemy activity of which it has acquired information. The stories that dangerous spies have been paroled by this department from internment camps are unqualifiedly false in every particular. The power of internment vested in me by the President has been exercised carefully but unsparingly, and as rapidly as really dangerous enemy aliens have come to the attention of Government officials they have been apprehended and interned.

Long before we entered the war this department recognized the necessity of an efficient system for the prevention as well as the detection of enemy activities, and began at that time to strengthen and build up its Bureau of Investigation, which now for a long time has been operated on a war basis. In addition to this, the department has accepted the services and to a great extent supervises the activities of more than 200,000 citizens of proven loyalty, systematically organized throughout the country as an auxiliary to the work of the department. It is a fair statement to say that the country has never been so thoroughly policed in its history by the Federal authorities as it is to-day. You will get some idea of the magnitude of the work from the fact that the Bureau of Investigation of the Department of Justice receives on an average of upward of 1,500 complaints per day. While most of these complaints eventually prove unfounded, all of them are carefully investigated. Work of this character necessarily has to be done with little or no publicity and, as a matter of policy, the action by the department in internment enemy aliens has also been done, so far as possible, without publicity. For example, on the night of April 6, 1917, the day of our declaration of war, this department seized in different parts of the country all of the German agents then known to it and caused them to be immediately transferred to war-prison camps, the number of enemies, for obvious reasons, being kept secret.

The public assumes that there is a great deal of enemy activity going on in this country, and it is but natural that vague rumors are magnified into definite and sensational stories. The talk of damage done by enemy aliens in causing incendiary fires is an illustration of this. Repeatedly, both in reputable newspapers and in publications gotten out by citizen societies, exaggerated statements are made as to the amount of damage. Statistics show that, considering the vastly increased value of merchandise and plants, the actual fire loss to property of all descriptions in 1917 was not appreciably larger than that of the year 1913. Likewise the report recently made by the National Board of Fire Underwriters shows, in substance, that during the past year not one fire has been clearly proven to be the work of alien enemies, and at a recent conference in the Treasury Department of all the men in all departments charged with protection of plants and supplies it was stated without dissent that no instance was known of a fire caused within the past year by alien enemies.

This does not mean that there is little danger to be apprehended from enemy alien activities. On the contrary, the most careful watchfulness is constantly necessary, but I cite this illustration to you to show you how unfounded are some of the extraordinary stories now in circulation. The very necessity for keeping secret many of the activities of the department undoubtedly contributes to the impression of which you have complained. It would be absurd to say that every hostile act has been successfully run down and the offender brought to punishment or that every enemy agent or propagandist at work in this country has been discovered. I do, however, assert that every possible effort is being made to ferret out and punish activities of this character, and that this work in other departments, as well as my own, is being done from day to day with constantly increasing efficiency.

In addition to prosecution of the work above described, this department has during the past year drawn and enforced the various regulations governing the conduct of alien enemies prescribed in the three proclamations made by the President; has devised the machinery and carried out successfully a registration of all male German alien enemies; has put into operation regulations for barring alien enemies from waterfront shipping facilities and other prohibited areas; has caused to be instituted military patrol by the Army on the most important piers in all of the large seaports of the country; and has instituted a pass system to protect waterfront zones from acts of alien enemies.

In connection with enemy-alien activities, you will recall that under the most conservative estimate there are in this country to-day more than 450,000 German, 600,000 Austrian, and 400,000 Hungarian enemy aliens—that is, unnaturalized males upward of 14 years of age—estimating three to a family, there would be within the United States about 4,000,000 persons who are either male enemy aliens or members of their families. If you will bear in mind that we have quite as much, if not more, trouble with native and naturalized Americans as we have with enemy aliens, you will get some idea of the magnitude of the work which daily confronts this department.

I have already adverted to the lack of adequate laws, and I take the liberty of calling your attention to this important subject. Although we have been at war for more than a year, there is as yet no Federal statute, except the treason statute (which is unworkable for this purpose), under which the Government can prosecute men who attempt to destroy factories, munitions, and other stores necessary for our armies. The so-called sabotage bill, prepared by this department and introduced more than a year ago, is now before your body, and I hope that speedy action may be taken thereon.

Most of the disorder throughout the country is caused by the lack of laws relating to disloyal utterances. Congress did not pass the original espionage act in the form in which my department prepared it, and section 3 of the law as passed by Congress has been the only weapon with which the Government could attack this dangerous evil. Although the only clause of section 3 which has been of value is the one aimed to prevent obstruction of enlistment and recruiting, my department has succeeded under that one clause in securing the conviction of more than 250 offenders in different parts of the country, and in obtaining the imposition of sentences in some cases of 15 and 20 years' imprisonment. It is earnestly hoped that Congress will act favorably upon legislation now before it which will give the Government adequate weapons with which to prevent the spread of flagrant disloyalty.

Another serious defect in the legal situation is the fact that there is no law providing for the control of departures from or entries into the United States by persons other than those who are alien enemies. The dangerous work of our enemies is not done solely through enemy nationals, and the public safety requires that a measure of control be vested in the President over the movements of all persons into and from the country in time of war. A bill to accomplish this purpose, commonly known as the "passport bill," drawn by this department, was introduced into Congress some time ago, and has the unanimous approval of the Departments of State, Labor, and Justice, and of the officers of the Military and Naval Intelligence Service. It can not be enacted into law too speedily.

I need not say that so long as the Federal Government is impotent to suppress industrial treason and disloyal utterances, just so long there will be danger of disorder, and there will be a steady increase in the feeling among the irresponsible of disrespect for legally constituted authority. Taking advantage of your courteous offer of assistance, I earnestly ask that you call the attention of your associates to the legislative situation which is above outlined. I need scarcely add to what I have said the assurance that my department will promptly, aggressively, and thoroughly investigate the cause of every hostile act or utterance which is brought to its attention, and will, so far as the law permits, continue relentlessly to prosecute those shown to be responsible therefor.

Respectfully,

T. W. GREGORY,  
Attorney General.

Mr. WEBB. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. LUNN].

Mr. LUNN. Mr. Speaker, in this crucial time of war we should never indulge in hysterical legislation; never should pass laws in violation of the fundamental principles on which the Government is based unless conditions become so serious that for a temporary period fundamental rights may be given up for the greater purpose of national security and perpetuity.

A few weeks ago we had under consideration this very important bill, which was to enact a law necessary for the protection of our people. The bill ought to have been passed the day it was considered, and would have been passed and by this

time would have been the law of the land if it had not been for the Cannon amendment. The bill as introduced by the committee had no such purpose nor no phrases that could possibly have been construed as conscription of labor. Then came the Cannon amendment. There could be no possible mistake as to the gentleman's object in introducing his amendment, judging from his remarks on the floor and published in the Record. The Cannon amendment was a violation, at least to my mind, of a fundamental principle. I introduced my amendment with the purpose and design of overcoming what I felt was the repudiation of a fundamental principle of our Government, which principle was to deal fairly with all classes and refuse to legislate either for or in favor of a special class.

When the Cannon amendment passed the House I am sure many of the Members voted for it little realizing its full meaning. How otherwise could they explain the immediate passage of my amendment, the purpose of which was to overcome the Cannon amendment. When the House bill went to the Senate there was loud and somewhat bitter discussion of that particular section 3, which was the Lunn amendment. Many of the distinguished Senators were opposed to the Lunn amendment for the reason that they evidently desired conscription of labor.

I have always taken the stand, and I take it now, and will always take it, that there is nothing too sacred and nothing too great in the way of sacrifice to make for American victory in this war.

If in this colossal conflict the very life of the Nation should demand that we take away temporarily certain of our rights, if it should become necessary to give much of our property or all of our property, let us act on the line of the principle which works with absolute fairness to all of our people. If the time ever comes to conscript everything, including labor, that time will mean that we should also conscript capital.

There is little excuse for strikes during the present time, when wages are high, but that is no excuse to attempt to take away a fundamental right. Capital struck a few days ago. Capital went on a strike for increased wages, and they won. They received one-quarter of 1 per cent more for their capital than they did on the last liberty loan. The first liberty loan was quoted at 3½ per cent. The capital wages increased in the second liberty loan to 4 per cent; but capital was not satisfied with this wage, so they insisted on 4½ per cent, but were granted only 4¼ per cent. In saying this I am not unmindful of the patriotic spirit of those men of great wealth who have and are devotedly serving their country in this time of national crisis. Let every honor be given to those men, rich or poor, learned or ignorant, who count life itself none too dear to give this Nation in its hour of trial.

Only under national necessity could we ever demand the conscription of labor, and then only when the necessity demanded that we conscript capital. Never could we consistently take a position that the man could be conscripted while the dollar remained in freedom; but no such emergency existed, neither did anything in the bill propose such a thing. The bill sought to deal strenuously with the men, whoever they be, who sought to interfere individually or by conspiracy with the prosecution of the war. It is necessary that we fix deterrent penalties on any man or men who are willfully plotting against the Government. The bill was not aimed at the mass of the American workers who are loyal to the heart in this great war, but the Cannon amendment said to working men that they would be compelled to work for private employers who might reduce their wages, or allow most harmful conditions in factories and shops, and that, regardless of how just their cause of complaint, the men would not dare to stop. Three men would not dare to talk together regarding shameful conditions surrounding their work and agree to stop, for that would be a conspiracy, and they would be threatened with 30 years to think it over. Such law is unthinkable. The House may have acted hastily on the Cannon amendment, for many of them were absent during the discussion, but when they passed the Lunn amendment, they were nearly all present and understood the real purpose of the amendment. To my mind the House acted in a spirit of fairness, not of demagoguery, and not in any way hysterical. I wanted to see this bill passed quickly, and now that the Cannon amendment has been eliminated there is no occasion for the other, for with the elimination of the one goes the necessity of the other. A few moments ago we listened to the gentleman from Pennsylvania [Mr. CRAGO], in his tribute to the memory of President Lincoln, who passed from us 53 years ago to-day. I can not speak in too high praise of the splendid spirit of the martyred President. I recall that he based his life on great underlying humanitarian principles. He stood foursquare regarding the great mass of



those who toil. In his annual message to Congress on December 3, 1861, he said:

Labor is prior to and independent of capital. Capital is only the fruit of labor and could never have existed if labor had not first existed. Labor is the superior of capital and deserves much the higher consideration.

He further said in that same message:

No men living are more worthy to be trusted than those who toil up from poverty—none less inclined to take or touch aught which they have not honestly earned. Let them beware of surrendering a political power which they already possess, and which if surrendered will surely be used to close the door of advancement against such as they, and to fix new disabilities and burdens upon them till all of liberty shall be lost.

The views expressed by the gentleman from Illinois [Mr. CANNON] are tremendously at variance with the views expressed by that other gentleman from Illinois, Mr. Lincoln.

When we deal with labor, we are dealing with human rights and human conditions, and we must never go on record for a form of slavery which is involved in conscription of labor unless it becomes necessary in order to save the very life of the Nation. The great mass of our workers have been patriotic. God save America if they were not patriotic, for no war can be waged when the working masses refuse their loyalty. They have not refused their loyalty, but have entered this war with the same high spirit and resolve that has characterized the rest of us. If the time comes, when, to preserve this Nation, conscription of labor is essential there must go with it an absolute conscription of capital, not some of the capital but all of the capital, and if that day ever comes I will stake my life that the great mass of labor would rise to the great occasion with a spirit that would put to shame every slacker of whatever name. [Applause.]

Mr. McARTHUR. Will the gentleman yield for a question?

Mr. LUNN. I would be very glad to yield if I had more time yielded me, but I can not otherwise.

The SPEAKER. The time of the gentleman has expired.

Mr. LUNN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

#### RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SMALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the rivers and harbors appropriation bill.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 10069, the rivers and harbors appropriation bill, with Mr. BYRNS of Tennessee in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 10069) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. SMALL. Mr. Chairman, when the committee rose on Saturday last, the Chairman had under consideration a point of order made to the paragraph at the bottom of page 9 of the bill directing the Mississippi River Commission to do some work at the mouth of the Ohio River for the protection of a caving bank. I desire to discuss just one phase of the point of order and no other, and I may say at this point, as we had a full discussion on Saturday, I hope there will be no necessity for further discussion and that the Chairman may be permitted to make his ruling. The contention on the point of order which was discussed involves the jurisdiction of the Committee on Flood Control and the Committee on Rivers and Harbors as applicable to this point of order. I shall not discuss at all the facts in the case bearing upon the question of whether it is exclusively for flood control or exclusively for river improvement, but I do wish to submit a few expressions or arguments upon the general question. As to the Mississippi River Commission, that commission was created by act of Congress, approved June 28, 1879.

The act creating the commission in section 4 gave it this jurisdiction:

It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel, and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service.

There has been no amendment since that date to the act creating the Mississippi River Commission which changes its jurisdiction in the respect I have indicated, so that the Mississippi River Commission in its activities may improve the river or rivers under its jurisdiction, and may also take steps to control floods.

The flood-control act, which was approved March 4, 1917, and which I have not at the moment before me, also fixes as the duties of the Mississippi River Commission the improvement of the rivers and also the control of floods. Therefore I submit to the chairman at this point this statement, which I do not think can be contradicted, that the Mississippi River Commission in its activities as defined by Congress may engage in river improvement and flood control.

Again, from 1883 until the Committee on Flood Control was created the Committee on Rivers and Harbors took jurisdiction, and almost every river and harbor act passed since that time contains some legislation either directing the activities of the Mississippi River Commission or making appropriations for its activities, or both; and I shall, with the consent of the committee, ask leave to incorporate in the RECORD some excerpts from past river and harbor acts. Until the flood-control act was passed on March 4, 1917, the River and Harbor Committee directed its activities and made appropriations for the commission.

Now as to the two committees: The Committee on Rivers and Harbors under the rules of the House has jurisdiction of subjects relating to the improvement of rivers and harbors, and that jurisdiction has been well defined. Whatever legislation seeks to improve the channel of a river or harbor for purposes of navigation and commerce is admittedly within the jurisdiction of the Committee on Rivers and Harbors.

In the amendment to the rules creating the Committee on Flood Control the jurisdiction of that committee is fixed in this simple language; that is to say, that it has jurisdiction of subjects relating to flood control, and there is no disposition on my part or upon the part of the Committee on Rivers and Harbors in its collective capacity to dispute or to cavil about the jurisdiction of the Committee on Flood Control.

One other thought. There may be improvements of rivers which at the same time affect control of floods. I can well conceive of such.

There has been, and may be in the future, legislation intended for the improvement of a river for navigation, the work of improvement at the same time tending to control floods, so that it may well be and will occur that concurrent jurisdiction will rest with each of these committees. As to which committee would have jurisdiction under a condition of that kind, would probably depend upon the committee which first assumed jurisdiction.

Now, in conclusion, what is the duty of the Chair in the consideration of the point of order made against this paragraph? In order for the Chair to hold that the point of order should be sustained and the paragraph go out, the Chair must of necessity hold that it is exclusively for flood control. It is within the province of the Chair to determine preliminarily that question of fact; and if the Chair holds upon the issue of fact that only flood control is affected by this paragraph I concede that the Committee on Flood Control has jurisdiction. And, further, to express it in another way, I submit that the Chair must hold upon that issue of fact that only flood control is affected by this paragraph in order to sustain the point of order, because if it happens to be a work or an activity authorized which affects both improvement of the river and flood control, then I assume as a matter of parliamentary law that this committee, first having assumed jurisdiction, would hold jurisdiction.

So with that statement, Mr. Chairman, upon what I think are the controlling issues of parliamentary procedure applicable to this point of order, I shall be content to leave the matter with the Chair, except, however, to make this general statement in behalf of the committee and not to precipitate any argument: In the opinion of the committee the work proposed in this paragraph was meritorious. In the opinion of the committee there seemed to be no other committee of Congress which would take jurisdiction and afford Cairo and its immediate vicinity the relief which the committee seemed to think they required. I mention that only as bearing on the merits of it, and not as bearing on the point of order which the Chair has before him.

The CHAIRMAN. The Chair is ready to rule. The gentleman from Mississippi [Mr. HUMPHREYS] makes a point of order against the paragraph on page 9, lines 17 to 25, inclusive, and which reads as follows:

The Mississippi River Commission shall forthwith make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and shall make such plans and take such

steps, to be approved by the Chief of Engineers, as may be necessary from time to time to protect the levee line endangered by this caving bank, such improvements to be paid for out of any funds heretofore or hereafter appropriated for the work of the Mississippi River Commission.

This point of order was very fully and very thoroughly discussed on Saturday, and since the session of the committee on Saturday the Chair has read the arguments then made, as they appeared in the CONGRESSIONAL RECORD, and has also given the matter some thought and consideration; and such thought and consideration as the Chair has been able to give it have confirmed the opinion of the Chair as to the views entertained at the previous session of the committee with reference to the point of order. It is not necessary, of course, to say that, in passing upon the point of order, the Chair has not given any consideration whatever to either the merits or the demerits of the proposition contained in the paragraph.

The point of order is made on two grounds. First, that the Committee on Rivers and Harbors has no jurisdiction of the subject matter of the paragraph as an original proposition, and second, that even if it be conceded that it has such jurisdiction, it is not authorized to report it as a part of the pending appropriation bill, which under the rules of the House has a privileged status.

It is insisted that the subject matter of this paragraph comes within the exclusive jurisdiction of the Committee on Flood Control, the rules of the House providing that all proposed legislation relating to flood control shall be referred to that committee. In the opinion of the Chair, under the plain language of the rule, this view is clearly correct, if the paragraph does not also relate to the improvement of a river or harbor. Whether or not the fact that an improvement of a river or harbor results as a mere incident to the main purposes of controlling flood waters would serve to give jurisdiction to the Committee on Rivers and Harbors, the Chair does not feel called upon at this time to decide. The rules of the House do not clearly define the difference in the jurisdiction of these two committees, and as the Speaker of the House has heretofore remarked there may be cases where their jurisdiction overlaps. It seems clear to the Chair that under the present rules of the House cases may arise where the jurisdiction of the two committees would be in a sense concurrent, or where one committee might acquire jurisdiction of a subject matter which as an independent proposition would belong to the other.

But the Chair does not feel called upon to pass upon the question of the jurisdiction of these two committees, in view of his opinion as to the second ground of the point of order. If the paragraph has for its primary object and effect the improvement of the river, then, in the opinion of the Chair, it is properly included in the bill, even though the control of flood waters shall result to a greater or less degree as an incident thereto; for it must be borne in mind that the river and harbor bill is not one of the general appropriation bills within the meaning of clause 2 of Rule XXI, and it is not therefore subject to their restrictions as to legislation. There is an abundance of precedents which might be cited to this effect. *Hinds' Precedents*, volume 4, sections 3897 to 3901 and section 4219.

It does not follow, however, that any subject matter of which the Committee on Rivers and Harbors may acquire jurisdiction is a proper subject of consideration in the rivers and harbors appropriation bill. Such a bill is a privileged bill under the rules. The committee may at any time, under the rules, report a bill relating to the improvement of rivers and harbors, and it may be called up as a privileged matter under the rule. It is a bill which is reported originally by the Committee on Rivers and Harbors and not a bill which has been referred to that committee by the House. It follows, therefore, that anything in the bill which the committee has not the authority to report as a privileged matter under the rules is subject to a point of order.

If, therefore, the conclusion of the Chair is sound, then it is only necessary to inquire as to whether or not the language of the paragraph relates to and has for its primary object and effect the improvement of a river or harbor. It provides in substance that the Mississippi River Commission shall make an examination of the caving bank on the right bank of the Ohio River below the mouth of the Cache River and directs it to make such plans and take such steps as may be necessary from time to time to protect the levee line endangered by the caving bank. It will be observed that these steps are to be taken not to protect the caving bank of the river for the purposes of navigation, but to protect the levee line. Now, the Chair thinks that without doing violence to reason or parliamentary practice, judicial notice can be taken of the fact that levees are built to prevent destruction to life and property by overflows, although in some cases an incidental benefit to navigation may result

therefrom. In this particular case the Chair is fortified by statements and admissions made from the floor in argument on the point of order, and also by both the majority and minority reports of the Mississippi River Commission, which were made in 1880.

The attention of the Chair has been called to the fact that the flood-control bill, which was passed at the last term of Congress, authorized and directed the Secretary of War to carry out the plans of the Mississippi River Commission not only for the controlling of floods of the Mississippi River but also for continuing the improvement of that river, and also the Ohio River, from its mouth to the mouth of the Cache River. But this, in the opinion of the Chair, need not be considered in a decision of the question now before it. This paragraph directs the commission to do a specific thing, and that is to protect the levee line, and makes no reference to the improvement of the river.

The Chair is aware of the fact that heretofore propositions relating to the flood waters of the rivers in the United States have been referred to the Committee on Rivers and Harbors, but this was before the establishment of the Committee on Flood Control, to which now, under the rule, all proposed legislation relating to flood control must be referred. But, as stated, for the purpose of passing upon the point of order the Chair does not feel called upon to pass upon the question of jurisdiction between the two committees. It is sufficient to say that the Chair is constrained to hold that the paragraph in question does not relate to the improvement of the river and hence, in the opinion of the Chair, it is not within the authority or jurisdiction of the Committee on Rivers and Harbors to report it as a part of the bill now under consideration. For the reasons stated, the point of order is sustained and the paragraph will be stricken from the bill.

The Clerk read as follows:

Mississippi River from the mouth of the Missouri River to Minneapolis, Minn.: Continuing improvement and for maintenance, \$500,000.

Mr. FREAR. Mr. Chairman—

Mr. HUMPHREYS. Will the gentleman from Wisconsin yield to me for a moment?

Mr. FREAR. I yield to the gentleman from Mississippi.

Mr. HUMPHREYS. I ask unanimous consent to proceed out of order for five minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. Mr. Chairman, in view of the fact that the paragraph has been stricken from the bill, I wish to make a brief statement.

After many years of discussion Congress finally arrived at the conclusion that the proper way to take care of the floods of the Mississippi River was to create a fund, turn the fund over to the Mississippi River Commission, composed of engineers from the Army, engineers from civil life, and engineers from the Coast and Geodetic Survey, and to have this improvement and flood control in accordance with plans and specifications which that commission might adopt. This particular part of the Ohio River is subject to overflow from the floods of the Mississippi River. For many years the bank has been caving at Cairo more or less rapidly, though within the past 10 or 15 years not very rapidly. The people interested have endeavored to get the Rivers and Harbors Committee to revet this bank to protect it; but every report made by the engineers who were instructed to inspect the work was to the effect that it was not in the interest of navigation, and therefore it was not undertaken. So when the Flood Control Committee was created and this limitation which had hitherto proven a strait-jacket for the Rivers and Harbors Committee, by limiting them to matters touching navigation, was removed and the Flood Control Committee was given jurisdiction under the law to make improvements through the Mississippi River Commission, without reference to their relation to navigation and solely in the interest of flood control, the Cairo people came before our committee and asked that the jurisdiction of the commission be extended up as far as the Cache River, so that they could get the benefits of the act; and the committee, after the hearing and after visiting Cairo, decided to do that.

I have asked the opportunity to make this statement because I did not want anybody interested in Cairo to get the thought that I or the Committee on Flood Control were at all opposed to this project. Last fall interested parties from Cairo went before the Mississippi River Commission and asked that this work be undertaken. I will read from the official records of the commission to show just what happened, because this is



going to be taken care of, and taken care of just as soon as it would have been if this item had stayed in the bill. There is not any doubt about that.

Mr. RUSSELL. Will the gentleman yield for a question?

Mr. HUMPHREYS. Yes.

Mr. RUSSELL. The fact, then, that the chairman of the Flood Control Committee has made this point of order which has been sustained does not signify at all that the chairman of the Flood Control Committee is opposed to this needed improvement? Personally I am very anxious to see this work done, and think it is very necessary.

Mr. HUMPHREYS. Not a bit in the world, and that is the reason I wanted to take the floor, because I did not want that impression to get out.

Now, here are the facts: We have already agreed to create a commission, to give it a fund, and to let the commission exercise its judgment in improving the river as a whole. Why, Members of this House who have been here for many years remember that we created a commission on the Missouri River and appropriated money, but one Congressman would secure an amendment providing that so much of this money must be expended in his district, and another Congressman would secure a provision that so much must be spent in his district, with the general result that Congress very soon arrived at the conclusion that if we were going to create a commission and then not permit the commission to exercise its own judgment, we were doing a useless thing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. May I have five minutes more?

The CHAIRMAN. The gentleman asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HUMPHREYS. So Congress thereupon refused to appropriate any money for that commission and abolished it.

And so as to the Mississippi River Commission. When I first came to Congress there was a bad habit that prevailed for a number of years of providing that so much of this money may be spent here, there, and about. One of these provisos related to the city of Greenville, Miss., my home town. Mr. Burton was then chairman of the Rivers and Harbors Committee. He took the matter up with me and said, "This is not the way for us to do this. If we are going to create a commission and give them money, we should permit that commission to go on and exercise its best judgment and spend the money where it really ought to be spent, having in view the general improvement of the river." I agreed with that, and upon my motion my own home city was stricken from the bill, and the commission was given the authority to do the work where, in the judgment of the commission, it ought to be done. Once or twice since then provisions of the same sort have been proposed here, and I have always opposed them. I opposed them at Vicksburg; I opposed them at Memphis, right next door to me. I have opposed such provisions anywhere. But in certain instances we could not help ourselves. The Senate put on these unwise provisions. I remember on one occasion the Senate put on a proviso that a part of the money should be taken away up the Arkansas River and spent there. We could not help ourselves. The Senate would not pass the bill unless we permitted them to mar it, so we submitted, but the House has universally adhered to the proposition that the commission ought to be permitted to exercise its own judgment.

The flood-control bill is a new thing. There has been only one appropriation made under it. These gentlemen went before the Mississippi River Commission last November, and I read now from the records of the commission:

Parsons, George, chairman Cairo drainage district: Letters transmitting copy of agreement between trustees of Cairo City property and the Cairo & Vincennes Railroad Co., and requesting aid from the commission. Copy of agreement and blue-print map accompanying. (Nov. 15, 1917.)

It was moved by Mr. Ockerson that the president reply to the Cairo drainage district stating that all the plant belonging to the commission is occupied on other and more urgent work and nothing can be done along the Ohio River front between Cairo and the mouth of Cache River at the present time. Carried.

It was moved by Mr. West that the first and second districts engineer be directed to make, after the next high water and before the next working season, further examination, and submit a report giving an estimate of cost of an adequate revetment protecting the caving banks on the Illinois bank on the Ohio River below the mouth of Cache River and also an estimate of cost of building a new levee along the caving front. Carried.

So you will see that the Mississippi River Commission, without any instructions from Congress, have ordered the survey which this bill provided, and there is no sort of question that when Congress makes the appropriation this year in the sundry civil bill, as it will make a liberal appropriation, this work will be done at Cairo.

This contingency, of course, is always to be taken into consideration that there is a possibility of some development upon the river, a caving in of banks, where the work would be of more urgency in the opinion of the Mississippi River Commission than at Cairo, which is improbable. Of course, if that were true, the House would all agree that the work ought to be done at the place where the needs are the most urgent.

Now, in the northern part of my own district—and gentlemen will see the embarrassment that comes to every Congressman who lives on the river if this sort of legislation should be enacted—in the Yazoo Delta there is a pressing need caused by a threatened caving in.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUMPHREYS. I ask for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS. My constituents have come to me and with just as great urgency as it is possible that anybody else's constituents could have, and insisted that we direct the commission to go there and revet the banks before they caved in and overflowed the Yazoo Delta which comprises some 7,000 square miles of very fertile territory with numerous small towns and small cities. I have told them that I would do nothing of the sort, that we had turned the money over to the commission and instructed the commission to look over the entire river, treat it as a whole, and spend the money where, in the judgment of the commission, it should be spent. I take it that nobody can take exception to any such a proceeding.

Now, I do not hold this up as an example for others to follow, but I have been in Congress 15 years. Ninety-five per cent of my district is subject to overflow. My home, my house that I live in, in the city of Greenville, is 15 feet below the level of the Mississippi when it is at flood tide, and only five blocks away. Yet I have refused persistently and consistently for 15 years even to go before the Mississippi River Commission when they held their annual meetings to determine where the money should be allotted. I have told my constituents that I would not go before the commission and attempt to influence them in the slightest. I believe I ought to keep faith with my colleagues, when we agreed that we would appropriate a lump sum, turn it over to the commission, direct the commission to spend it where in the judgment of the commission it ought to be expended; that I did not think that I ought to try to influence the commission to do anything that was not absolutely consistent with its own judgment and initiative.

Mr. DENISON. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. DENISON. The gentleman knows that Congress did do that in the last rivers and harbors bill.

Mr. HUMPHREYS. Yes; the Senate put on the last bill a provision with relation to the bar formed in front of the city of Memphis, and said it must be removed. It was destroying the harbor there. It was put on the rivers and harbors bill, and it related solely to navigation and not to flood control. They have done some things like that. The Senate put on a proposition to go up the Arkansas River fifty-odd miles and revet the banks that had no relation to navigation but solely to protect private property. But the House has never done it on its own initiative, and I have always fought it on the floor of the House.

Mr. DENISON. Did not Congress do something of that sort at Vicksburg?

Mr. HUMPHREYS. That is an entirely different matter. Vicksburg was outside of the jurisdiction of the Mississippi River Commission. The controversy there arose as to whether or not Vicksburg should be put back under the Mississippi River Commission, and I think that was very properly done, because Natchez, New Orleans, Cairo, and other places were under the jurisdiction of the Mississippi River Commission.

Mr. SWITZER. Will the gentleman yield?

Mr. HUMPHREYS. Yes.

Mr. SWITZER. Has not the Senate put in a provision and Congress enacted a law that the commission should do certain things?

Mr. HUMPHREYS. Yes; several times.

Mr. SWITZER. And that violated your principle.

Mr. HUMPHREYS. Yes.

Mr. SWITZER. And the gentleman thought it was right.

Mr. HUMPHREYS. I voted against the Vicksburg proposition and I voted against it everywhere. Now at Memphis—we are getting entirely off from the subject and going into matters relating solely to navigation—but at Memphis a bar formed in front of the city that threatened to destroy the harbor for several hundred yards. That related solely to navigation and had nothing on the face of the earth to do with flood control.

Mr. SWITZER. Did not the gentleman go before the Senate committee and use his influence to get that provision put in the bill giving relief to the city of Memphis?

Mr. HUMPHREYS. I could truthfully say no, but it would not be the whole truth. I never went before the Senate committee, but I spoke to Senator SHELTON and told him I thought it was a perfectly proper thing to do.

Mr. SWITZER. And did not that violate the principle that the gentleman is advocating?

Mr. HUMPHREYS. It did not, in my opinion, for it only related to navigation; and the jurisdiction of the Senate Commerce Committee over matters relating to navigation has never been questioned, not in the slightest. We designate harbors and rivers all over the country to be specifically provided for, but I submit that there is no question at all that this House would overwhelmingly sustain the position that when we create a Mississippi River Commission giving it \$45,000,000 to spend according to its judgment where it ought to be spent, having in view the general control of the river, there is no doubt at all that the House will say that that is right, and they will vote down any proposition to violate it and substitute the uninformed judgment of the House of Representatives for the opinion of the engineers.

Mr. DENISON. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. DENISON. Mr. Chairman, I want to say just a word in regard to this provision of the bill that has gone out, and somewhat in reply to what the gentleman from Mississippi [Mr. HUMPHREYS] has said. After I became a Member of Congress some three years ago, my attention was invited to the condition of the Ohio River just above the city of Cairo. The Ohio River was changing its course, and gradually moving over toward the Mississippi River, just above the city of Cairo, and the people there felt they were very much endangered and were uneasy about it. They went before the Mississippi River Commission to get relief, and they could not get any. The Mississippi River Commission would not listen to them or pay any serious attention to them, practically. Then when I came here I began to see if we could not get some relief through Congress. I consulted with the gentleman from Mississippi [Mr. HUMPHREYS], because he had been influential in matters of this kind for some time. The trouble at that time was that the Mississippi River Commission only had jurisdiction of the Mississippi River, and had no jurisdiction whatever over the Ohio River, and this work could only be done by the Mississippi River Commission, because it is revetment, and the Mississippi River Commission has charge of the machinery that is necessary for putting in revetments. So the first thing we had to do in order to get this relief, if we could get it at all, was to get the jurisdiction of the Mississippi River Commission extended up this part of the Ohio River some 5 or 6 miles, so that they would have authority to do the work up there. About this time the Flood Control Committee was created and began consideration of a bill to prevent floods and improve the Mississippi River.

I went before that committee and we got a provision in the bill for controlling the floods of the Mississippi River and the Sacramento River, extending the jurisdiction of the Mississippi River Commission up the 5 or 6 miles of the Ohio River. That bill passed the House and went over to the Senate and remained in the Senate for about a year, as I remember. I think it passed the House in May, 1916. There was some thought or fear that that bill would not pass the Senate at all. In the meantime the river and harbor appropriation bill came up in the House, and, after consultation with the gentleman from Mississippi [Mr. HUMPHREYS], and upon his advice, I went over and took the matter up in the Senate with the Senate Commerce Committee in order to get a provision of that kind inserted in the river and harbor appropriation bill extending the jurisdiction of the Mississippi River Commission up this part of the Ohio River for the express purpose of getting this work done. I did not do it without consulting with the Chief of Engineers. The Chief of Engineers, Gen. Black, furnished evidence to the Senate Commerce Committee, and upon a presentation of the necessity of this work to the Senate Commerce Committee both by representatives of the people at Cairo and by the Chief of Engineers' office the Senate inserted a provision in the river and harbor appropriation bill of 1916 conferring jurisdiction on the Mississippi River Commission over this part of the Ohio River; and, as I say, it was done for the purpose of giving them authority to go up there and do this work, which was recognized as urgent. That bill became a law and extended the jurisdiction of the Mississippi River Commission over this part of the Ohio River months before the flood-control bill ever became a law.

Mr. WHEELER. Mr. Chairman, will the gentleman yield?

Mr. DENISON. For a question.

Mr. WHEELER. No part of the \$45,000,000 appropriated for Mississippi flood control can be expended for a retaining wall along the Ohio River that the gentleman speaks of?

Mr. DENISON. It can be now.

Mr. WHEELER. Must it not all be confined strictly to the Mississippi River?

Mr. DENISON. No; it can be expended upon this part of the Ohio River as well as the Mississippi River. Afterwards the flood-control bill did become a law; I think in 1917. That contained a similar provision to the provision which the river and harbor bill had contained the year before, so that both bills gave the Mississippi River Commission this jurisdiction. The flood-control bill simply gave it jurisdiction so that the commission could expend whatever part of the \$45,000,000 they might think was necessary to do the work, but their jurisdiction had already been extended for that purpose by the river and harbor appropriation bill of the year before.

Mr. HUMPHREYS. That amendment taken from the flood-control bill which passed the House in May prior?

Mr. DENISON. Yes; it had passed the House, and it had hung up in the Senate for nearly a year, and we did not think it would go through; and because we did not think it would, we got the provision put in the river and harbor appropriation bill in July, 1916. Notwithstanding their jurisdiction has been extended over this part of the Ohio River so that they could do this work, the commission still would not do it. We could not find out why they did not; but finally they disclosed the reason why they did not, and that reason was that certain officials of the Mississippi River Commission had the impression that it was the duty of the railroad company to prevent the changing of the bed of the Ohio River, and they seemed to think it was not the duty of the Government to do it. Their contention was absolutely without foundation. They never had looked into the records, but they had that impression; and notwithstanding it was a meritorious proposition and the work ought to be done, they would not do it because they thought the Big Four Railroad Co. would have to do it. Finally we got the Chief of Engineers' office to look into the merits of the question, and they found that the railroad was under no obligation to do this work and could not do it. Then the office of the Chief of Engineers took it up with the Mississippi River Commission with a view of having them do it, in substance, but did not, of course, like to give any specific directions to do it.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. DENISON. For a question.

Mr. HUMPHREYS. The Chief Engineer's office, in a letter which I put in the Record, says that their opinion on the merits of the proposition was never requested by the commission, and they had never expressed any opinion, but did express the opinion before the Committee on Appropriations the other day that this was, as it was expressed, a bad item, that they ought not to undertake to direct the Mississippi River Commission, but ought to leave it to their judgment.

Mr. DENISON. Well, I am going to say I do not know what has been done by the commission before the Appropriations Committee, but I know what has been done by the Chief of Engineer's office. Now, last year after the commission got jurisdiction to do the work and got their appropriation the people of Cairo went before them and asked them to come up there and do this work, and their reply was that their funds had been exhausted in other places, which may be true. But the point I want to make is this, that this work has to be done. It is a matter that is threatening Cairo and the people in the vicinity of that city, and is going to have to be done sooner or later, and it ought to be done now, because it can be done for a great deal less money than it can be done hereafter. And the question now arises whether or not the people of Cairo must sit still and wait for the Mississippi River Commission to do the work in its own good time, or whether Congress has the right to direct them to go and do it now, before there is a disaster.

Now, I agree with the gentleman from Mississippi [Mr. HUMPHREYS] as to the general principle that this commission ought to be left to its own discretion to do its work; but when the commission is laboring under a false impression, as it has been so for a number of years, and because of that false impression has refused to do work that ought to be done, I think that Congress is superior to the Mississippi River Commission and ought to direct them to do it. Now, when we came to look into the precedents for that I found that last year Congress directed them to expend money in making certain improvements at Memphis, and it has heretofore directed them to spend money at other places. I think if Congress could direct the Mississippi River Commission to expend money at Memphis, at Vicksburg, and at other places, then certainly there is justification for ask-



ing the Rivers and Harbors Committee for legislation that will direct them to expend money here where it is needed at Cairo.

Mr. HUMPHREYS. The gentleman understands Congress never directed money to be expended at Vicksburg, but authorized it.

Mr. DENISON. It has directed them to spend money at Memphis, I understand, with the gentleman's approval, and at other places. There is no one who doubts the merits of this proposition. The people at Cairo and its vicinity have been spending money for years and years building levees, and the river has encroached upon those levees until it is going to destroy them, and it will be impossible for the people there to replace them. They can not do it. The loss and suffering that will result can not be estimated. They must have aid from the Government, and they ought to have it now. I regret the gentleman from Mississippi made the point of order against this provision of the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. Mr. Chairman, I was content to remain silent after the point of order had been disposed of, but in view of the discussion I think I ought to make a brief statement. The Mississippi River Commission and its activities embrace not only the Mississippi River, but from time to time its jurisdiction has been extended. The river and harbor acts in past years have usually made appropriations for the activities of the commission of the Mississippi River from the Head of the Passes to the mouth of the Ohio, but also for other rivers within its jurisdiction. The jurisdiction of the Mississippi River Commission has been extended to Cape Girardeau, above the mouth of the Ohio, and also to Rock Island, Ill., which latter point is 449 miles above the mouth of the Ohio, both of which are in the river and harbor act of 1916. In 1913 it was authorized to do work at the mouth of the Yazoo River and the harbor at Vicksburg, and in the last river and harbor act to remove a shoal opposite the city of Memphis. The matter of the danger of flood waters at Cairo was brought to the attention of the committee, primarily by the gentleman from Illinois [Mr. DENISON]. Other proof, however, was submitted. The committee were impressed by what they regarded as the acute situation at Cairo which demanded attention. It was represented to the committee that the Mississippi River Commission had for several years been importuned by the people of Cairo to make a survey and to take steps there to protect a caving of the bank of the river, to all of which they had given no favorable response. When the gentleman from Illinois [Mr. DENISON] first came before the Rivers and Harbors Committee at this session we sent him to the Committee on Flood Control and advised him to confer with its distinguished chairman, Mr. HUMPHREYS.

He came back and reported that the chairman of the committee stated that his committee would do nothing about the matter, or, to put it perhaps in entirely courteous terms, could do nothing, and nothing was to be done, so that the Committee on Rivers and Harbors were confronted with this situation, that unless that committee acted there would be no legislative relief afforded at this session to this critical situation at Cairo. After our committee had completed the river and harbor bill the Committee on Flood Control, through its chairman, protested so strongly against the inclusion of this paragraph in the bill the committee reconsidered the matter and decided, in deference to the Committee on Flood Control, desiring to have no unseemly controversy with it as to jurisdiction, to eliminate it from the bill, and authorized the chairman to make the motion to strike it out. Now, that is the status of its relationship to the Rivers and Harbors Committee in its deliberations during this session. Now, I would like to say something else about the Mississippi River Commission. The Rivers and Harbors Committee will at all times in the future endeavor not to trespass upon the jurisdiction of the Flood Committee, but it must be remembered that the Mississippi River Commission have activities which are within the jurisdiction of the Committee on Rivers and Harbors, because they affect the improvement of rivers, and whenever conditions arise which in the wisdom of the Committee on Rivers and Harbors justify them in proposing legislation to the House to direct the activities of the Mississippi River Commission so far as it affects the improvements of rivers, they will without hesitation submit it to the House. One other thought. The Mississippi River Commission constitutes an agency of Congress. They are not superior to the Congress, and I take it that this House will not admit at any time that they are immune from direction involved in legislation proposed by the House.

And I wish to say, with all deference to the distinguished members of the commission, that I think they are playing in too large a degree the rôle of autocrat. Congress in the last river and harbor act inserted a clause in this language:

The Mississippi River Commission shall forthwith make an examination of the Memphis Harbor, on the Mississippi River at the mouth of Wolf River, and at the earliest practicable moment make such plans and take such steps, to be approved by the Chief of Engineers, as will remove the large sand bar in front of Memphis to such an extent as may be necessary in the interest of navigation at that point, such improvements to be paid out of any funds heretofore or hereafter appropriated for the work of the Mississippi River Commission, not to exceed, however, the sum of \$250,000 for the current fiscal year.

Mr. FISHER, of Tennessee, represented—

The CHAIRMAN. The time of the gentleman has expired.

Mr. SMALL. I ask for two minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SMALL. Mr. FISHER, of Tennessee, a member of the committee, represented to us that both he and others, since the last river and harbor act was approved, August 8, 1917, had gone before the commission insisting that they should discharge the plain mandate of Congress; that up to that time, which was about 10 days or two weeks ago, they had taken no steps whatever to comply with the direction of Congress. Now, I can speak judicially minded about this matter. My district is located hundreds of miles from the great Mississippi Valley.

I have no prejudice whatever against the improvement of the lower Mississippi River for flood control, or for any of these other rivers which have been placed under the jurisdiction of the Mississippi River Commission. But when Congress places the Ohio River, from its mouth to the mouth of the Cache River, within the jurisdiction of the Mississippi River Commission, I say that that amounts to a direction to the commission to take care of flood conditions there when they are acute and urgent just as well as when conditions are acute and urgent at other places. I will do the gentleman from Mississippi the justice to say that he does not think that this condition at Cairo is as urgent as at other places. We were impressed differently. He may be right about that.

Mr. HUMPHREYS. Mr. Chairman, will the gentleman yield?

Mr. SMALL. In half a minute. But as long as this paragraph has been stricken from the bill we may now have an opportunity to determine the relative urgency of these improvements on rivers within the jurisdiction of the Mississippi River Commission.

Mr. HUMPHREYS. The gentleman stated that I did not think the work at Cairo was as urgent as at other points. I do not think that is exactly accurate. I said that the Mississippi River Commission decided that in their opinion it was not as urgent. I just read it. It was not an opinion of mine. The only reason I wanted to discuss the matter at all was to put into the Record the fact that I am in entire sympathy with the people of Cairo and have no hostility in the world toward them, and hope that the work will be done. I have not the remotest doubt that it is going to be done, but I want it to be done in order.

Mr. SMALL. Well, I hope it will be done, and I hope its urgency will be impressed on the Mississippi River Commission.

Mr. HUMPHREYS. I hope the gentleman indulges that same hope as to Commerce Landing, in my district, and as to Panther Forest, over in the district of the gentleman from Arkansas.

Mr. SMALL. I do.

Mr. HUMPHREYS. I said "Commerce Landing, in my district, and Panther Forest, in the district of the gentleman from Arkansas," and up in the district of the gentleman from Missouri as well, and the Tensas front, in the district of the gentleman from Louisiana. In other words, I want to bring all within the blessing of that benediction that the gentleman from North Carolina has just pronounced.

Mr. SMALL. At a future time I shall seek the genial companionship of the gentleman from Mississippi, and we can commune together on that subject.

Mr. HUMPHREYS. And when that comes to fruition the gentleman from North Carolina will leave to the Mississippi River Commission the responsibility of selecting the points to be improved.

Mr. SMALL. The Mississippi River Commission is the creature of Congress and subject to its direction, and when Congress places these different rivers under its jurisdiction it expects that commission impartially, justly, and fairly to give attention to such rivers as are placed under its jurisdiction. Congress has the right at any time to direct its activities when, in its opinion, it is not pursuing its activities in a fair manner.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield for a question?

Mr. SMALL. Certainly.

Mr. SMITH of Michigan. As I understand from the arguments and remarks that have been made here, the Mississippi River Commission is limited to the Mississippi River?

Mr. SMALL. Oh, no. Its activities embrace the Mississippi River up as far as Rock Island, and the Arkansas River; and it has taken jurisdiction heretofore of the Yazoo River and harbor at Vicksburg, Miss., and also a part of the Ohio River. You might say "the Mississippi River and some of its tributaries."

Mr. SMITH of Michigan. How about the Missouri River? That is subject to overflow, and a great many acres there are subject to inundation. Is there any commission to look after that?

Mr. SMALL. There was a commission, but that has been abolished, and now the Missouri River is under a general project of improvement.

Mr. FREAR. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last two words.

Mr. FREAR. I do so in order to introduce into the RECORD a letter received this morning from the Shipping Board in reference to the proposed Goltra contract, which was mentioned on the floor on Saturday. I desire to introduce this letter with an accompanying statement, and also with a brief comparison of the shipments and appropriations for the harbors and rivers taken from the minority report. I will state that the letter from the Shipping Board says in effect that the Army engineers have been given this sum of money, \$3,360,000, and it is under their control, and any contract made with Col. Goltra, of St. Louis, must be made with the engineers. I suggest that this is in addition to the \$500,000 which was appropriated by Congress and which they have had for experimental purposes for eight years.

There is another suggestion made in this letter that a mistake was made as to the amount proposed for the Black Warrior, for the building of barges and other vessels. The press statement was \$21,000,000, and that was quoted in the speech the other day on that press authority. In this letter it is stated that that amount is just 10 times too large. The amount set apart is \$2,100,000, which has been proposed for these Warrior River boats.

I ask unanimous consent to put this letter into the RECORD at this particular point, together with the statement of explanation; but before that is inserted, and prior to that, for the purpose of affecting the standing of this bill in the House, I ask to have read from the Clerk's desk a letter that I received from the Secretary of War upon this bill.

The letter from the Secretary of War is self-explanatory, and has governed the action of a majority of the Rivers and Harbors Committee in the preparation of this bill. The committee has confined expenditures to those recommended by Army engineers and those recommended by the Secretary of War for war purposes. Many expenditures recommended by Army engineers are of doubtful value, but they are linked in with war measures, impossible to separate or change in an omnibus bill, and the bill as a whole is supported because we are in war and can not stop at extravagance in some quarters when necessity demands immediate harbor improvements for carrying on the war.

The CHAIRMAN. Without objection, the Clerk will read the letter.

The Clerk read as follows:

WAR DEPARTMENT,  
Washington, February 3, 1918.

HON. JAMES A. FREAR,  
House of Representatives.

MY DEAR MR. FREAR: I have your letter of January 29, with regard to river and harbor legislation.

It is the President's wish and mine that the bill of this year be limited to the maintenance of existing projects, and that if any new projects be introduced that they be such only as are of immediate value in the prosecution of the war.

I have not been able personally to follow the pending bill through the committee, but no doubt it follows fairly closely the suggestions of the Chief of Engineers made in accordance with the policy I have above outlined.

I shall be very happy indeed to comply with your suggestion and to aid in restraining the introduction of new projects for which a clear and cogent war reason can not be given. So far no such project has been brought to my attention.

Cordially, yours,

NEWTON D. BAKER,  
Secretary of War.

Mr. FREAR. Now, Mr. Chairman, my purpose in introducing that letter of the Secretary of War is to briefly indicate to the House that the Secretary of War and the War Department have recommended the particular new projects which they think are necessary at this time for war purposes. There have been one or two projects that have been proposed here on the floor—one, particularly, has been placed in the bill—and the committee has been overridden in its efforts to sustain the bill as recommended by the Secretary of War. There are projects and there are items of appropriation in this bill that I do not believe can be justified; but they have been recommended by the

Army engineers, and for that reason, as long as they are coupled with war projects, I do not believe there is anyone on the floor that will vote against the bill that contains these necessary war projects for harbors. I ask to have these other letters printed from the Shipping Board in connection with the letter of the Secretary of War.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. FREAR. The following correspondence presents the facts according to attached letter regarding the proposed contract with Col. Goltra, wherein Col. Keller's statements to the River and Harbor Committee, found on pages 20 and 21 of the hearings, were quoted. Therein it was stated by him that—

The authority given by the Shipping Board to construct the fleet for Mr. Goltra is especially limited to that case alone.

It was assumed that Col. Keller, a representative of the Army engineers and also inland waterway committee, who appeared with Col. Goltra, spoke for the Shipping Board through the committee. It appears he spoke for the Army engineers, who have been given \$500,000 for experimental work on the Mississippi River without any tangible result. It is the Army engineers who propose to spend \$3,360,000 in building a fleet of boats to be used by Col. Goltra, of St. Louis, for his private business at a nominal rental, not for war purposes but for Col. Goltra's steel plant at St. Louis, as was disclosed from the hearings. It is also true, according to Col. Goltra's statement, that he is not a practical riverman, has had no experience on the river, excepting on the one trip to St. Paul last year, when he lost over \$10,000.

Responsibility for this expenditure for boats of an experimental new type, according to Col. Goltra's statement on page 46 of the hearings, is now shifted from the Shipping Board to the Army engineers. The Army engineers have expended nearly \$170,000.000 on the Mississippi River, with a loss of 95 per cent in river commerce during that period, and after failing to make any experiments of value, with \$500,000 placed in their hands, the burden is to be shifted to Col. Goltra, a novice in waterway transportation, who is to lease the Government boats for his own use exclusively. It is an interesting situation.

The second proposition is that a statement in the minority report and in debate as to building of boats for the Warrior River is a mistake in amount. This is unfortunate, because no misstatement was intended. The information was gained from several press clippings, all to the effect that \$21,000,000 was to be given for building boats for the Warrior River. These statements were not publicly denied or corrected so far as noted. The amount is only \$2,100,000, in addition to an annual maintenance fee of \$1,453,800, according to the letter herewith.

As a war measure, this proposition can not be measured by ordinary rules of governmental expense, but it is noted that after spending nearly \$12,000,000 to make the Warrior River a perfect canalized stream with a completed project, Army engineers have succeeded only to the extent of fastening a present maintenance charge of \$200,000 a year on the Government Treasury in addition to a half million dollars annual interest charge without producing any noticeable commerce by ordinary business activities. The river is almost as deserted as the Mississippi, and the Government is now required to build boats and operate them under well-known methods of Government extravagance. Such contracts in ordinary times would be subject to close scrutiny, but if any use can be made of these rivers during war times the expenditures, however large, may be justified.

That is beyond the province of our committee to determine, and was called to the attention of the House because of the enormous expenditures reported to be authorized for Warrior River craft in addition to the Muscle Shoals project in that same neighborhood, and Goltra boats on the Mississippi, all at Government expense.

It is further noted that whereas our own committee has endeavored to confine this bill, under recommendations from the Secretary of War, to a war basis, that the proposed Goltra contract and Warrior River expenditures may take several years to complete, although the predictions, as usual, are for early construction at a time when boat builders are in great demand for Government ships.

The letter and attached memorandum is self-explanatory. The following is the letter from the board:

UNITED STATES SHIPPING BOARD,  
Washington, April 12, 1918.

HON. JAMES A. FREAR,  
House of Representatives, Washington, D. C.

MY DEAR MR. FREAR: In the CONGRESSIONAL RECORD of April 5, page 5074, in the course of your discussion of the river and harbor bill, you were quoted as stating in effect that the sum of \$3,360,000 had been "given by the Shipping Board to Mr. Goltra for his own private in-



terests." A little further on in your speech, on the same page, you state that Mr. Charles Montecue—evidently meaning Mr. Charles Bontecue—and Mr. A. J. Mason, special examiners for the Shipping Board, had recommended an expenditure of \$21,000,000 for the construction of barges on the Warrior River.

Appreciating your desire for accuracy, I am taking the liberty of calling your attention to certain evidently unintentional misrepresentations in connection with these two statements.

Last December, upon the recommendation of the Department of Commerce and the Department of War, after the proposal had met with the approval of the legal authorities, the Shipping Board made an allotment of \$3,360,000 to the Board of Engineers of the War Department for the purpose of constructing tugs and barges on the Mississippi River.

The Shipping Board has no contract, agreement, or understanding with Mr. Goltra, and, apart from making the allotment for the proposed construction, at the request of the two departments named, the Shipping Board has left the entire matter in the hands of the engineers of the War Department.

With regard to the statement that the special examiners of the Shipping Board had recommended an expenditure of \$21,000,000 for barges and towboats for the Warrior River, I am inclosing you herewith a copy of the Mason-Bontecue report. Whatever may be your judgment in respect to the force of the argument presented, you will note that the recommendation, instead of being \$21,000,000, is for \$2,100,000, or exactly one-tenth of the figures which you name.

It occurred to me that you might like to have these facts for your information, if not for the record.

Sincerely, yours,

FRANK B. LORD,  
Assistant to the Chairman.

Attached hereto is a brief statement taken from page 3 of the minority report, and gives much light on comparative expenditures and results achieved by the Engineering Corps on inland waterways. I am in favor of developing these waterways if to be used, but they ought to be used, and that was the purpose of making the \$500,000 appropriation for experimental purposes which was placed in the engineers' hands eight years ago:

*Amazing comparisons of water-borne commerce and cost.*

[From United States Engineers' Reports, 1917.]

	Tons.	Value.	Average miles hauled.
<b>Harbors:</b>			
Superior-Duluth.....	52,177,330	\$387,219,625	850
Ashland.....	10,076,703	23,489,599	800
Milwaukee.....	7,923,488	267,155,651	300
Total.....	70,177,521	684,264,875	800
<b>Rivers:</b>			
Ohio.....	4,000,000	33,773,721	28
Mississippi.....	300,000	Indefinite.	14
Missouri.....	24,000	6,335,313	200
Total.....	4,324,000	.....	28

Ferriage and sand hauled from 1 to 2 or 3 miles, on the average, unaffected by new river improvements, is deducted, because no justification exists for including such items. Three Wisconsin harbors handled about sixteen times as much actual freight and hauled it twenty-seven times as far on the average, compared with traffic on the three greatest rivers, or, expressed differently, the total ton mileage was four hundred times larger at these three harbors than on the three rivers.

Government expenditures furnish equally important comparisons.

*Appropriations.*

	Total.	1918 balances.	Appropriation, this bill.
<b>Harbors:</b>			
Superior-Duluth.....	\$8,116,028	\$447,002	.....
Ashland.....	644,500	20,876	\$6,000
Milwaukee.....	2,460,475	51,387	12,500
Total.....	11,221,003	519,265	18,500
<b>Rivers:</b>			
Ohio.....	39,016,469	7,550,164	5,000,000
Mississippi.....	170,000,000	4,500,000	2,412,000
Missouri.....	22,594,591	2,383,102	500,000
Total.....	251,611,060	14,433,326	7,912,000

Why should it cost the Government twenty times as much to furnish waterways for about 4,000,000 tons of actual commerce floated 28 miles compared to 70,000,000 tons floated 800 miles?

Mr. MOORE of Pennsylvania. Mr. Chairman, I do not rise in opposition to the motion made by the gentleman from Wisconsin, but I do wish to comment upon the letter from the Secretary of War.

Mr. SMALL. Mr. Chairman, will the gentleman pardon an interruption?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMALL. We are proceeding now by unanimous consent, and of course I do not want to take the gentleman off his feet, and will not do so; but I simply wish the committee to under-

stand that we are proceeding by unanimous consent and that we would like to proceed with the bill.

Mr. MOORE of Pennsylvania. I want to aid the gentleman.

Mr. SMALL. Then, Mr. Chairman, I ask unanimous consent that at the end of five minutes we proceed with the reading of the bill. The gentleman can get recognition on another paragraph.

Mr. MOORE of Pennsylvania. If the gentleman wants to have a paragraph read, I will come in after that paragraph. I want to see the committee make progress.

Mr. SMALL. Will that be agreeable to the gentleman?

Mr. MOORE of Pennsylvania. Entirely agreeable.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Mississippi River between St. Paul and Minneapolis, and between Brainerd and Grand Rapids, Mississippi and Leech Rivers, and reservoirs at headwaters of Mississippi River: Completing improvement of Mississippi River between St. Paul and Minneapolis, \$80,000; completing improvement of reservoirs at headwaters, \$32,000; in all, \$112,000.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Wisconsin [Mr. FREAR] has had read into the Record a very important and interesting letter from the Secretary of War, in which he speaks also for the President of the United States. The effect of that letter is to suggest to the Congress that its action on this river and harbor bill shall be limited to those projects reported by the Committee on Rivers and Harbors. I take it that means that such projects as the East River 40-foot channel, which has been voted into the bill, and which I approve, and the Key West Harbor project, which has been voted into the bill, are not at this time receiving the sanction of the Secretary of War or of the President.

Mr. MADDEN. And what about Charleston?

Mr. MOORE of Pennsylvania. But it leaves the very important item of Charleston in the bill, because that item has the approval of the Secretary of War. This whole matter is extremely important at this time, because the river and harbor bill presented to us is presumed to be a war measure. From my point of view it is one of the most important of all the war measures, excepting those which actually prepare for the equipment of the Army and the Navy and the sending of our boys to the front. The river and harbor bill is a bill to promote transportation within the United States; not to promote it in France or in any other country, but to promote it in the United States, where, if transportation is needed anywhere on earth, it is surely needed at the present moment.

The railroads, as we all know, were incapable of handling the business of the country, and broke down under the strain, particularly the strain of war business; and we know that the waterways, if improved, would relieve that situation. The President knows this, the Secretary of War knows it, and every Member of Congress knows it—that if we put the waterways in working order and make them work they will be the most serviceable auxiliaries to the overdone railroad transportation of the country.

The introduction of the Charleston project at 40 feet, at the instance of the Secretary of War, makes it reasonable that the great port of New York should ask for 40 feet to get through the East River to Long Island Sound and to connect with the 40-foot Ambrose Channel to the sea. It makes it pardonable also for our friends from Key West to come in and ask that their channel at that important port be improved. I was one of those who wanted to agree with the Committee on Rivers and Harbors in reporting this bill. But New York was voted into the bill against the protest of the committee. Charleston went into the bill at the instance of the committee. That being done, I thought Key West should also go into the bill, because I know something of the Key West project, and I am satisfied that at this particular time it is a war emergency. I believe that every channel capable of bearing vessels of war to or from a harbor is now a war measure of the first importance. Key West is such a harbor, and its channels are such channels if kept in order; but at the present they are not as they should be, because vessels of war, as well as vessels of commerce, have been going aground at Key West. I do not want to be understood as arguing the case of Key West. I am simply saying that if it is reasonable that Charleston should go into this bill for 40 feet, as the Secretary of War suggests, it is reasonable that New York should go in for 40 feet, and it is reasonable that Key West should go in, and perhaps that other worthy projects approved by the Army engineers should go in. We may find ourselves in great distress if the war reaches our shores and some of our rivers and harbors and channels that connect them up are found inadequate to the demands of our Army or Navy or to meet the requirements for transporting troops, munitions, and supplies.

Mr. LINTHICUM. I should like to know what effect the 40 feet for New York and for Charleston and Norfolk will have upon Philadelphia and Baltimore with only 35 feet?

Mr. MOORE of Pennsylvania. It is going to have a serious effect upon those two ports. I would like to explain that situation, and hope I may be able to do so intelligently. With Charleston given 40 feet and New York given 40 feet and Boston given 40 feet, what becomes of the other great ports along the Atlantic seaboard? The people of Philadelphia and the people of Baltimore must wake up to the situation that confronts them. We have a wonderful river in the Delaware—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask unanimous consent to proceed for five minutes.

The CHAIRMAN. Is there objection to the gentleman proceeding for five minutes?

There was no objection.

Mr. MOORE of Pennsylvania. We have a wonderful river in the Delaware, giving probably as much service to the war to-day as any other single factor in the manufacture of ships, in the manufacture of war munitions, and in the employment of the other agencies of war. Up at Philadelphia, where the navy yard is, we are 100 miles from the sea, well protected against any enemy, and we have the finest fresh-water navy yard in the world, where the ships of the fleet can be taken care of at all times, with the least loss and the least waste.

Mr. FESS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman from Ohio.

Mr. FESS. How much would it require to make 40 feet in the Delaware? How long a channel would have to be improved?

Mr. MOORE of Pennsylvania. We are now working on a 35-foot channel project, for which we contended, for years, over a length of 63 miles. It was authorized in 1910. According to the original estimates of the engineers it should have been completed in six years. It should be completed now, but it is not now more than 50 per cent done. Yet, with this great river upon which more than 45 per cent of the warship building of the United States is now going on, we are put behind New York with 40 feet, behind Boston with 40 feet, and behind Charleston with 40 feet, as now assured at the instance of the Secretary of War. Norfolk perhaps is in better shape as to channel depth than we are, and Baltimore also, although the approaches there are somewhat similar to those at Philadelphia.

Mr. FESS. Will the gentleman yield for an interruption?

Mr. MOORE of Pennsylvania. I will.

Mr. FESS. That is one of the things that it seems to me ought to be pressed, that where the commerce and the defense is so necessary, like New York and Philadelphia, and perhaps Baltimore, I do not think we ought to hesitate at all to do that, but I have always had a question of making it a condition of doing work at other places.

Mr. MOORE of Pennsylvania. I thank the gentleman for his suggestion. The people in the States of Pennsylvania, New Jersey, and Delaware should be warned, and I warn the people of Maryland also to get busy and look after their respective port interests. I warn the Nation, and particularly in this time of war, not to minimize the importance of this great national asset in the Delaware River. It may not be wise to concentrate all the business of the country, all the international business at least, at one or two or three ports. The creation of 40-foot channels at one or several ports to the exclusion of others raises that question.

In providing 40 feet for Charleston you may be prejudicing other southern ports and you may be disturbing business along the coast. In giving New York 40 feet to the exclusion of other northern ports you certainly aided the congestion which hampered the management of the war during the past winter.

Mr. SEARS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes. I yield to the gentleman from Florida.

Mr. SEARS. I would like to call attention to the fact that this letter is dated February 3, more than two months ago, and that Secretary of War Baker has been out of the country two months.

Mr. FREAR. But that was written at the time we were in committee.

Mr. MOORE of Pennsylvania. I have no quarrel whatever with the Charleston project. I am very glad to see Charleston get 40 feet. I am glad that somebody had sufficient influence with the Secretary of War to have him write a letter in support of Charleston, but I want the committee and the House to know that while we give 40 feet to one port on the north coast, and then to one on the south, and forget to bring the other ports up to par, we may be doing an injury to the entire country.

Mr. SMITH of Michigan. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Yes.

Mr. SMITH of Michigan. How long would it take to make the harbor at Philadelphia 40 feet deep?

Mr. MOORE of Pennsylvania. Well, we started with a 35-foot project in 1910 and it is 50 per cent completed now.

Mr. MADDEN. I would like to ask the gentleman a question.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes to answer the gentleman from Illinois.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I was wondering if the gentleman had given consideration to the fact that all the deep-draft ships carrying commerce across the seas would naturally go into the port most convenient to enter, with the shortest possible trip to make, and would not that preclude the possibility of such ships going to either Philadelphia or Baltimore?

Mr. MOORE of Pennsylvania. No; because the facts do not warrant any such supposition. The facts are that New York is the first port along the Atlantic coast, so far as international trade is concerned, and Philadelphia is the second port; its river is easily navigable. The thing lacking at Philadelphia—it was originally the first port of the country—was depth of channel. We had 30 feet only up to 1910. Now we are giving assurance to the whole world that we have 35 feet at high tide, which is the fact, and the international trade can come freely. We passed a vessel up the river a few days ago drawing 34.9 feet of water.

Mr. MADDEN. The proportion of ships that require a 40-foot channel, in proportion to the whole, entering American ports is very small is it not?

Mr. MOORE of Pennsylvania. The proportion that goes to New York that might not go to Philadelphia because of the draft is less than 1 per cent. The question is, are you going to construct every port channel 40 feet deep to accommodate less than 1 per cent of ships in international trade? That is a question for the Congress of the United States, and it is a serious one. I once introduced a bill which set a limit to the draft of vessels, and it was regarded as a freak bill. Its enactment would have meant that we would not attempt to deepen every port channel in the country to accommodate one or two big ships. The Panama Canal is supposed to limit the draft of vessels to 40 feet. That might settle the problem for our country. But I wish to say, in conclusion, that the sills of the Kiel Canal are 5 feet lower than those at Panama, so you may expect a continuance of deep-draft ships. You must also expect a demand for increased channel depths so long as you continue to increase the draft of your ships.

Mr. FREAR. Mr. Chairman, I introduced the letter from Secretary Baker supposing the purpose was understood, to show that the committee had been attempting to confine itself to these war projects and the projects recommended by engineers, and to show how carefully we have been trying to hew to the line. The argument just made is what has been said in the past of many other projects and many other ports undertaking to acquire ship improvements. Let me say to the gentleman from Pennsylvania and the House that he has not suffered very much, nor has his port in the past. In this bill there is over one million and a half dollars for the Delaware River and the Schuylkill at Philadelphia. That immediate locality has had over \$25,000,000 for its improvement.

Mr. MOORE of Pennsylvania. I challenge that statement as to the 35-foot channel. That applies to the river since the beginning of time.

Mr. FREAR. Here is the statement right here on page 2158 of the Army Engineers' Report of 1917. The appropriations for Philadelphia Harbor are \$25,210,373.46. I am speaking of what has been put in the channel, and it has been a tax on the people the same as every other tax.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. FREAR. I want to make my statement first. Now, Mr. Chairman, the gentleman speaks of the Delaware River. Admiral Benson came before our committee and he stated, as members of the committee will remember, in a hearing last year that the Delaware River to-day is floating the largest battleships that are needed at the navy yard. The finest channel of any navy yard on the Atlantic coast is my recollection. That was his statement. I think he said that it was the best waterway they had for the navy yard on the coast.

We have given quite liberal appropriations, but the Secretary of War or the Army engineers have made certain recommendations for war purposes in this bill, not for the Delaware River, because it was not needed for that river. If it is necessary to



come in here on the floor and drive home projects day after day, in order to influence the House in opposition to the report of the Army engineers, or to the War Department, that may be all right for those who engage in it, but it seems to me that the moment you do that—insist on amendments to the bill—you are breaking down the whole force, because every community believes its own interests are paramount. Each community desires to have its own river or harbor or creek, if necessary, placed in this bill.

We endeavor to proceed upon a logical basis by accepting the Secretary of War's recommendations for war purposes, supplemented by the reports of the Army engineers as to such places they claim are necessary for commercial purposes, and with which some of us do not agree in respect to their importance. We have left out new projects and new surveys, and in attempting to do that that we have reported this bill in the way in which it is reported, and we desire to stand by it. It is unusual for us to stand together. I have not done so generally, but this war is on; we are in the midst of war; and you can not break down this measure in an effort to get a larger appropriation for Philadelphia Harbor or other harbors, when the Chief of Engineers and the Secretary of War say it is not necessary at this time. We can not do that for New York or elsewhere unless it is necessary. As far as the New York proposition is concerned, it was simply changing the effect of a word, and I do not think it was very material. The Charleston proposition was recommended by the Assistant Secretary of War, and notwithstanding the Army engineers made a statement that it was sufficiently deep at the present time to carry ordinary vessels up to that navy yard. So far as the Key West proposition is concerned, we had no basis or recommendations from the War Department.

Mr. MOORE of Pennsylvania. Mr. Chairman, I want to ask the gentleman a question. If there is merit in a 40-foot proposition at Charleston to go to a navy yard, why can not the gentleman see merit in a 35-foot proposition at Philadelphia to go to a navy yard?

Mr. FREAR. I thank the gentleman for the inquiry. I took the floor when the Charleston project was being considered and read from the Army Engineers' Report that it was necessary to put that 40-foot channel in. A 30-foot channel was sufficient. I was opposed to that 40-foot project because I believed from their report it is not necessary at this time, but if it be a war measure I shall accept it, because the Secretary of War has so called it a war measure, but I concede to the gentleman that I can not see any reason for this 40-foot project for Charleston.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

The Clerk read as follows:

St. Croix River, Wis. and Minn.; Minnesota River, Minn.; Lake Traverse, Minn. and S. Dak.; Red River of the North, Minn. and N. Dak.; Warroad Harbor and River, Zippel Bay, and Lake of the Woods, Minn.; For maintenance, \$6,000.

Mr. LINTHICUM. Mr. Chairman, I move to strike out the last word. I quite agree with the gentleman from Pennsylvania [Mr. Moore] when he says that Philadelphia and Baltimore will be put to great disadvantage, so far as the other large seaboard cities are concerned, when they have only 35 feet of water and the others have 40. Boston on high tide, or not quite high tide, will have 40 feet. New York has been provided with 40 feet, and the other day we voted her 40 feet through Hell Gate, to give entrance to Long Island Sound. Norfolk is provided 40 feet, and Charleston with 40 feet. Baltimore and Philadelphia, it seems to me, will not be touched by the large boats when they can go to ports where they have the deepest water. That fact will be advertised not only in this country but throughout the world, and every chart will note the fact. Baltimore Harbor has been gradually deepened to 35 feet. It has not been an expensive proposition. The total expenditures for the deepening of the Baltimore Channel to 35 feet, including the upkeep, has been about \$9,200,000. Baltimore had 17 feet of water when the work started, and for \$9,200,000 the Government has deepened it to 35 feet and kept it dredged and in shape, all for that entire sum. It costs only \$40,000 or \$45,000 a year to keep the entire channels to Baltimore dredged. That includes 11 miles in the Patapsco River and 4½ miles in Chesapeake Bay in what is called York Spit Channel. The channel there is 1,000 feet wide.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LINTHICUM. Yes.

Mr. MOORE of Pennsylvania. The gentleman has introduced a bill for a 40-foot channel to Baltimore?

Mr. LINTHICUM. Yes; some time ago.

Mr. MOORE of Pennsylvania. How much dredging would have to be done over the 35-foot area to obtain 40 feet?

Mr. LINTHICUM. Eleven miles in the Patapsco River and 4½ miles in Chesapeake Bay.

Mr. MOORE of Pennsylvania. The gentleman knows that the Delaware River from Philadelphia to the sea would require probably 63 miles of dredging, so that that would be a much more difficult and prolonged operation.

Mr. LINTHICUM. Yes; but when we come to think of the millions of dollars we are expending for railroads and everything else in the country and consider what it would save to have these ports deepened to carry this traffic, I can not see that the expense of it is a matter of the most serious consideration.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to put one inquiry into his statement that the gentleman from Wisconsin [Mr. Frear] would not permit me to put into his? Inasmuch as the port of Philadelphia in normal times produces about \$21,000,000 of revenue, is it unreasonable that in more than a hundred years \$23,000,000 or so should have been expended upon its improvement?

Mr. LINTHICUM. Oh, I do not think it is at all unreasonable. Almost every mile on your Delaware represents some great industry established there. I think the work ought to have been completed long ago. The gentleman from Illinois [Mr. Madden] says that every community thinks that its project is the most important.

Mr. MADDEN. Oh, I did not say anything of the kind.

Mr. WELLING. It was Mr. Frear.

Mr. LINTHICUM. Perhaps I am wrong. It was the gentleman from Wisconsin [Mr. Frear] who said that. This question of harbor improvement is not a matter of mere local concern. Take the harbor of Baltimore, for instance, in which I am most deeply interested. That is the nearest seaboard harbor to the Central West, and when you deepen that harbor you benefit the great cities of the Central West, just as you do the locality of Baltimore. It is 200 miles closer to St. Louis than any other seaboard city, and the entire Central West can ship its products cheaper to Baltimore and send them to the ports of the world than it can to any other port by reason of its nearness to that section. It is extremely near to western Pennsylvania and western New York. Why, the city of Buffalo is 18 miles closer to Baltimore than to New York City, and so I say it is not merely a community question but it is a question which concerns the entire Nation, and upon that basis I have always voted for harbor improvements.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LINTHICUM. Mr. Chairman, I desire to ask for three minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland? [After a pause.] The Chair hears none.

Mr. LINTHICUM. Now, I voted the other day to give New York 40 feet through Hell Gate, because New York is a great port. It drains an immense section of the country; it is the greatest port perhaps in the world, and it ought to have 40 feet through Hell Gate, and I voted for it.

Mr. MADDEN. Will the gentleman yield right there?

Mr. LINTHICUM. Yes.

Mr. MADDEN. I desire to ask the gentleman if the possibility of getting a 40-foot channel at Baltimore on account of 40 feet at New York had anything to do with the gentleman's vote?

Mr. LINTHICUM. Not at all. Hope springs eternal in the human breast, and I have always hoped for 40 feet at Baltimore, and I believe Congress will eventually see the necessity of making these ports on the Atlantic seaboard, which are the gateways to the world, of sufficient depth to accommodate with perfect safety the largest vessel that comes to this country. I am glad to see New York have these 40-foot channels, and I want Boston to have them, and I want to see Norfolk a splendid port, and Charleston also; and I say, when you are expending money on those ports, you ought also see that the port of Baltimore, another gateway to the world, be deepened for the benefit of our commerce and that of the vast section of the country it serves.

Mr. SNYDER. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. SNYDER. The gentleman says this is an emergency measure?

Mr. LINTHICUM. I did not say that the matter of Baltimore was an emergency measure.

Mr. SNYDER. I was wondering whether the gentleman was figuring upon this being an emergency measure for this war or some other war?

Mr. LINTHICUM. I did not say it was an emergency measure. I say it is a matter of commerce, not a matter of war emergency. Let me say, however, that Hell Gate, N. Y.; Charles-

ton, S. C.; and Norfolk, Va., none of them can be dredged within five years, and I pray the war will be over long before that.

Mr. SNYDER. Then the Baltimore proposition is not a war-emergency proposition pertaining to this war?

Mr. LINTHICUM. Of course it is not, and I have never contended it was, but I think it is absolutely necessary to be fair and just to all, and that we ought to have 40 feet.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LINTHICUM. I will.

Mr. MOORE of Pennsylvania. The German submarine *Deutschland* came to the port of Baltimore?

Mr. LINTHICUM. It did.

Mr. MOORE of Pennsylvania. And it came in because Baltimore had deep water. Does not the gentleman think, therefore, that the port of Baltimore itself is a war measure and that the deepening of the channel is of war importance?

Mr. LINTHICUM. I think, of course, that would be a means of defense, because I think if we had 40 feet we could protect it better and at the same time be of vast service to the country in shipping troops and war materials. Baltimore and its environs is a great beehive of war industries and troop training. In that respect a deeper channel is of inestimable benefit to the Nation in war emergency.

Now, in connection with defense, let me say that at the entrance of the Chesapeake Bay there is a great fort provided, and nothing, practically, has been done upon that work, and upon that depends the safety of the Capital of the United States, Baltimore, and Norfolk, and all those places along the bay, and I am not surprised that the channel at Philadelphia has not been completed, because work moves so slowly. Let us look upon these seaports as great assets of the Nation, not as local concerns. Let us be just and fair to all alike. No money can be better spent than in the improvement of our harbor facilities. The South American Republics realized this long ago.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OVERSTREET. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Georgia.

Mr. OVERSTREET. Mr. Chairman, I desire to say a few words only. I have consumed very little of the valuable time of this committee, but before I conclude I desire to direct some remarks to those who habitually talk and do nothing but waste time.

There is no longer any doubt among all well-informed people of this country that the entrance of the United States into this great war was unavoidable. Every person who has kept up with the progress of the war knows that our great President exhausted every means known to diplomacy to keep us out of it. For nearly three years before war was declared he almost begged the German Kaiser to let our people alone and permit them to live in peace. He made it clear to the rulers of all belligerent nations that this country desired to remain at peace with them all. Time and again he implored the Imperial German Government to respect our rights upon the high seas and desist from destroying our commerce and firing upon our flag, but Germany would listen to none of these appeals, and slowly, but gradually, we were dragged into the most stupendous and horrible war in the history of the world.

At first there was some opposition to the plan adopted by Congress for raising an army, but after Congress overwhelmingly voted for the selective-draft law all are now agreed that it is the only fair and equitable way an army could be raised. There was some objections at first to the plan of enforcing this law, but these have been met and overcome, and so far as I can learn the law is giving general satisfaction.

It is the purpose of the Government to levy the burdens of this war as evenly as possible upon its people, who everywhere are beginning to realize that we are actually at war with the greatest military power in the world. They at last realize that great sacrifices must be made, not only in money but in lives. The giving of money is the least sacrifice that we can make. Most people thus far have shown a willingness to lend their money to the Government and to pay the taxes required of them for the purpose of raising revenue to carry on the war, but whether they do it willingly and unwillingly, the money must come.

Some in and out of Congress are constantly criticizing this department and that department of the Government for inefficiency, and suggesting this remedy and that for the evils complained of. There can be no objection to honest criticism—to criticism made in good faith—with a view to helping and improving the situation. That sort of criticism is to be welcomed at any and all times; but a nagging, fault-finding criticism, made for the purpose of embarrassing the administration in the prosecution of the war, is unpardonable and a little less than

criminal. Yet we see it indulged in on this floor, and, judging from newspaper reports and from the speeches printed in the *Record*, it is constantly indulged in at the other end of the Capitol. This is no time for faultfinding and idle speculation. This is a most serious business we are engaged in. The final results of this most awful conflict will change the map of the world and will decide the destinies of millions of human beings yet unborn.

For the most part politics has had no part in these debates, but as election time approaches it is becoming more in evidence. A Member of this body is not expected to lay aside his political convictions because we are engaged in war, but personal preferment and selfish ambitions should be subordinated to the exigencies of war and every effort should be put forth by us all to unify and coordinate all the resources of the country for the purpose of winning the war. As the great battle rages in France the Premier of England is calling upon this Government to send more help and send it quickly. From now on we must rush our preparations and hurry to the front with all possible dispatch. The steel men must work faster; the carpenters should be kept busy; munitions workers ought to work overtime; airplane manufacturers must work night and day. Congress should waste no time; every line of red tape should be cut; and every man, woman, and child living under the protection of the Stars and Stripes should do his whole part of the great task before us—the overwhelming defeat of the German Army and the crushing of the Kaiser.

From the very beginning of this war some people realized that a tremendous task confronted this Nation, but by far the larger portion of our population did not comprehend the magnitude of the undertaking. Day by day and week by week it has dawned upon us, and there are now but few who realize that our ultimate destiny for weal or woe depends upon the fortunes of the war we are waging for liberty, justice, and freedom of mankind. We have staked all upon the issue. The result of this war will decide whether we shall forever remain a free people or become the subjects of a foreign ruler.

It is true, money, munition, and men have been supplied without stint by this Nation. Every demand upon Congress by the Commander in Chief of the Army and Navy has been met, not as promptly in some instances as should have been done, perhaps, but the people's representatives have not hesitated to give to the President ample authority and all the means necessary for prosecuting the war, and the people themselves will indorse what has been done. They are willing to make the necessary sacrifices. They will give more money and more men, but they want results. Delays will no longer be tolerated; the useless consumption of time is becoming tiresome. Only last Saturday the gentleman from Kentucky [Mr. SHERLEY], the able chairman of the Appropriation Committee, said what we must do is to get down to business and quit wasting time. The country is impatient, it wants less talk and more action in Congress. The distinguished gentleman from Tennessee [Mr. GARRETT], chairman of the Committee on Rules, recently warned the House that unless more work and less talk was done a special rule would be brought in to cut off debate. I for one will welcome such a rule, and the majority will welcome it and vote for it. The time is wasted by the few who constantly occupy the floor. By an examination of the daily record of this House it can be readily seen that two or three dozen Members are responsible for the wasting of time the distinguished gentlemen from Kentucky and Tennessee referred to in their recent remarks.

Our boys are going to the front in large numbers in answer to their country's call, and the fathers and mothers of these noble boys demand that we waste not a minute of the time that is so precious when the lives of their boys are being offered up for the perpetuity of our Government and for the safety and security of those who remain at home. [Applause.]

The Clerk read as follows:

Missouri River: For maintenance and continuing improvement with a view to securing a permanent 6-foot channel between Kansas City, Kans., from the upper end of Quindaro Bend, and the mouth of the river, \$500,000.

Mr. WHEELER. Mr. Chairman, I move to strike out the last word. This is one item which should be stricken from this bill. I would like to compare the Missouri River with the Illinois River, both being about the same size. Two large cities are located on the Missouri River—Kansas City and St. Louis—whereas the Illinois River has St. Louis and Peoria. Kansas City has three times the population as Peoria. There has been expended on the Missouri River about \$22,000,000 and on the Illinois River less than \$2,500,000, yet the Illinois River carries in one year about nine or ten times the amount of freight as is carried on the Missouri River. No improvements are needed on the Illinois River at this time, and perhaps for some time to come; and if the Government would destroy the three dams and



locks—the one at Kampsville, the one at La Grange, and the other at Copperas Creek—it will be a saving of about \$20,000 a year. On the Missouri River, as I say, the Government has expended \$22,000,000, or near that amount, and we are continually appropriating every year. I think we should quit appropriating money for the Missouri River, particularly at this time, as it is not a war necessity and it is not a good business proposition, and the improvements you make there this year may be of no value the following year, owing to frequent changes of the channel in the river. Not a year passes but what some place in the stream of the channel changes. Every dollar you expend on that river is money absolutely frittered away. These three objections should be sufficient to strike this item out of this bill.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn.

There was no objection.

The Clerk read as follows:

Ohio River: Continuing improvement by the construction of locks and dams with a view to securing a navigable depth of 9 feet, \$5,000,000: *Provided*, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session: *Provided further*, That the Secretary of War is hereby requested to investigate and submit to Congress on or before the first Monday in December, 1918, a report showing (a) the status of water terminals at cities and towns along the Ohio River between Pittsburgh and Cairo, inclusive, and whether owned by municipalities or some other public agency, and whether the same are satisfactory as to location, construction, and equipment; (b) the names of cities and towns where an interchange of traffic exists between the water transportation lines and the railroads; (c) a list of the water transportation lines existing and proposed on the Ohio River with a description of the number and type of boats in operation and under construction or to be constructed and as to whether the same are appropriate and suitable for the traffic; (d) the names of cities and towns where no adequate public terminals exist, together with a statement of any prospective plans for water terminals and the status of same; (e) any recommendation for the development of transportation on such river.

Mr. BARKLEY. Mr. Chairman, I desire to submit a point of order against the proviso of this section.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. The point of order is this: In 1910, I think it was, Congress adopted a project for the improvement of the Ohio River by building locks and dams from Pittsburgh to Cairo, Ill. It was proposed to construct those locks and dams and finish the canalization of the Ohio in a period of 12 years. Now, the proviso to this section authorizes the Secretary of War to modify the original project of improving the Ohio River, which I do not think can be done upon an appropriation bill. It is new legislation changing the whole project of the Ohio River, and for that reason I do not think it is in order on this paragraph.

The CHAIRMAN. The Chair is ready to rule. The Chair has had occasion to say heretofore a river and harbor appropriation bill is not one of those general appropriation bills to which restrictions as to legislation apply.

That has been held in numerous cases. The Chair undertook to recite a few of those cases in a ruling that was made at the beginning of the session to-day. Therefore the Chair thinks that the proviso is in order, notwithstanding the fact that it is legislation, and the Chair overrules the point of order.

Mr. BARKLEY. Therefore I move to strike out the proviso.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BARKLEY: Page 11, lines 1 to 5, inclusive, strike out the following:

"*Provided*, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session."

Mr. BARKLEY. Mr. Chairman, in the year 1910 Congress pledged itself to the canalization of the Ohio River, with a view to obtaining a 9-foot channel for the benefit of navigation during the entire year.

At the time this project was begun Senator Burton, of Ohio, was chairman of the Committee on Rivers and Harbors of the House, and the project contemplated the construction of 52 locks and dams between the city of Pittsburgh, Pa., and Cairo, Ill. Ever since this project was begun money has been appropriated in the neighborhood of \$500,000,000 and \$600,000,000 and \$700,000,000 a year for the purpose of carrying on the work. The War Department has gotten down to Lock and Dam No. 48, which is just below Henderson, Ky. After having completed the locks and dams, at least to such an extent as to insure navigation in the neighborhood of Pittsburgh and Cincinnati and Louisville and other large cities along the Ohio River, the project now is to eliminate the six locks and dams in the lower part of the Ohio, and the report of the Board of Engineers on the Ohio River puts it up to the Secretary of War to determine

whether, instead of building these last six locks and dams to insure 9 feet of navigable water during the entire year, they will engage in channel-dredging work.

Now, Mr. Chairman and gentlemen, not only did the Congress of the United States pledge to the people of the Ohio Valley to complete that canalization by the year 1920, but the project also took into consideration the canalization of the Cumberland River. Logically, the project to canalize the Cumberland River contemplates seven locks, A, B, C, D, E, F, and G, from Nashville, Tenn., to the mouth of the Cumberland River at Smithland, Ky.

Some few years ago the engineering corps decided that, because of the fact that one of these locks and dams on the Ohio River—I believe No. 52—was to be constructed just below the mouth of the Cumberland River, it would be able to back up water of the Cumberland River as far as Lock G, and now the Cumberland River project contemplates, instead of six locks and dams, only five locks and dams, and F is the last one they expect to build. That was based on the completion of the project for the canalization of the Ohio from the harbor of Pittsburgh to the mouth of the Ohio River at Cairo.

Now, if this project is modified, as this bill authorizes the Secretary of War to modify it, by the elimination of these six locks and dams, it means that after having gone to the expense of creating a 9-foot channel below Henderson, Ky., for the rest of that river, some hundreds of miles to its mouth, there will be no lock or dam, no channel of 9 feet, no yearly navigation of 9 feet, because it is impossible, as I believe, for the War Department to dig and dredge around in the Ohio River to get an open channel of 9 feet throughout that interval of 150 miles.

Moreover, in addition to that, after the Government has purchased sites for every one of these locks and dams, if these are to be eliminated, after constructing a warehouse in the city of Paducah, Ky., where they will store materials and tools for use along the entire river, now they propose to abandon all these six locks and dams because somebody in the Ohio Valley has deemed it better to dredge the Ohio River instead of building these six locks and dams; and if that is true as to the last 150 miles of the river, why is it not equally true of the rest of the river? If they could dredge for 9 feet throughout that last stretch of 150 miles of river, they could also do it in the rest of the river.

I think it is not keeping good faith with Congress and with the cities on the lower Ohio River—Cairo and Hickman and Metropolis and Paducah, Ky., and other places on the Ohio River near the mouth of the Cumberland and Tennessee River, where there is a possibility of greater commerce in the future than on any other inland river almost anywhere in the United States.

It seems this proviso ought not to be contained in this bill. This is a new proposition. Heretofore we have gone on and appropriated this money. Steamboat men along the Ohio River have hoped for years that these locks and dams would be completed, and now, without giving them an opportunity to appear before the Board of Engineers, or to appear before the committees of Congress, six of these locks and dams are to be eliminated from this project, and they will receive no benefit from the canalization of the river.

The CHAIRMAN. The time of the gentleman from Kentucky has expired.

Mr. BARKLEY. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. The gentleman from Kentucky asks unanimous consent to proceed for five minutes more. Is there objection?

There was no objection.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. BARKLEY. Yes.

Mr. MADDEN. I would like to have some information as to the comparative cost of the two methods. Would the gentleman explain what would be the difference in cost between dredging the channel along the distance he describes and building the locks? And if the locks are built, would it be necessary to dredge between the locks? What would be the annual average expense for that purpose after the locks are constructed?

Mr. BARKLEY. I am not prepared to give the gentleman a comparison between the cost of dredging and the cost of building the locks, because I have no figures upon the dredging, for the reason that it has never been engaged in to any extent or degree in the lower Ohio.

But, aside from the cost of the dredging or the cost of the locks and dams, during more than half of the year the Ohio River down below Lock 48 is not navigable for steamboats of any size; and one of the reasons why its commerce has been driven from the lower Ohio is because men are not willing to invest their money in an enterprise that can operate only six months in the year.

Not only that, but during the winter season when the water is high bars of sand accumulate in the channel of the river, because there is no defined channel for water that is sufficiently rapid in its flow to wash these bars of sand out of the way; and after the locks and dams are completed and the 9-foot channel is completed I do not believe it will be necessary to do any dredging, practically, except possibly a little here and there, just as is done in any other river that is locked and dammed.

Mr. MADDEN. Then the gentleman's contention is that it will not be possible to maintain the channel unless we build the locks?

Mr. BARKLEY. I do not believe it can be successfully maintained unless these locks and dams are completed; and every city on the Ohio River has prepared itself and looks forward to the completing of these locks and dams, and capital is waiting for the investment in boats because of the fact that they have been promised the building of this 9-foot channel.

The Cumberland River will be navigable from Paducah to Nashville after the locks are completed, and upon the completion of the system of locks and dams on the Cumberland River above Nashville it will open up a great coal field, a great agricultural field, and a great lumber field, and will make navigable the Cumberland and Ohio Rivers out to the Mississippi River and down to St. Louis.

Mr. MADDEN. How much money has been expended on the Cumberland River so far?

Mr. BARKLEY. The last appropriation was \$243,000, and that was sufficient to carry on the work on locks D, E, and F during the present year, and, according to the engineers, during the next fiscal year. In other words, the last appropriation is sufficient to carry on continuous work on these last three locks, D, E, and F, for the next fiscal year. Therefore, no appropriation is contained in this bill for work during the next fiscal year.

Mr. MADDEN. I would like to ask the gentleman just one further question.

Mr. BARKLEY. The clerk of the committee tells me that the total for the Cumberland River is \$5,300,000.

Mr. MADDEN. I should like to ask whether the improvement of the Cumberland River and the construction of locks, which the gentleman has so well described in connection with that improvement, had in contemplation the improvement of the Ohio River as a canalized waterway?

Mr. BARKLEY. Yes.

Mr. MADDEN. Would it be possible to complete the Cumberland River improvement if we abandoned the canalized Ohio?

Mr. BARKLEY. It will not. As I said in the beginning, the site for lock 52, just below the mouth of the Cumberland River in the Ohio, has already been purchased by the Government, and the reason why they eliminated the last lock in the Cumberland project is because the lock below the mouth of the Cumberland River in the Ohio, lock 52, was intended to affect not only the Ohio River but also the Cumberland River back up to the lock lettered F. Unless this lower Ohio improvement is completed, and these locks are built, then the Cumberland River will not be navigable the year round, according to the original project. It confuses and disrupts the whole plans of the lower Ohio River Valley, the Tennessee Valley, and the Cumberland Valley to eliminate these six locks and dams which are contemplated in this bill, and I hope the amendment to strike out this provision will be voted down, in order to keep faith with these people who have looked forward to the completion of the Ohio River project.

Mr. FREAR. I rise in opposition to the motion, and more particularly to discuss briefly some statements made by the gentleman from Kentucky [Mr. BARKLEY], who has just taken his seat. He states that the cities along the river have been preparing themselves for this improvement. I wonder if he means that seriously, because that is a statement made upon the floor of the House which means what it says, I take it. I desire to read into the Record the official report, to show what preparation the cities along the Ohio River have made after an appropriation of \$59,000,000 for the improvement of that river.

Mr. BARKLEY. Will the gentleman yield?

Mr. FREAR. No; not until I state this. The gentleman says that Congress has pledged itself to go on with this improvement. Let us see. After we have appropriated \$59,000,000 for the Ohio River, as we have, what do we find? Maj. John Stewart, Army engineer, says in his report dated December 22, 1917:

There are no municipal water terminals along the Ohio River. All terminal facilities are privately owned and are inadequate to properly provide for water transportation of any magnitude and are not constructed or equipped for joint rail and water transportation.

Again, he says:

The towns and cities have sold the privileges of their water gates for a very low rental—some for nothing. In a number of cases the business of the water carrier has been shut off by the municipalities granting unrestricted franchises to the railroads to the right of way along the river front.

And we have gone along, year after year, appropriating millions of dollars for that river, and not a single waterway terminal has been put in, notwithstanding the gentleman says—and I took down his words here—"every city has been preparing itself." You have not prepared a single terminal, according to the statement of the Army engineer who makes that report.

Now, just a word on the other. I do not want to take up the time of the committee unnecessarily.

This proposition is left to the Secretary of War:

The Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

I do not believe the Secretary of War will arbitrarily take any action that will not be fair and just to the people of Kentucky, of whom the gentleman has just spoken. I am sure that he would not. But if all the money we have been expending on the river has not brought any return, if they can see that the modifications are better for the people at large than for the people on the Ohio River who have not taken advantage of conditions—if he can see that it is proper and better for the public at large—why should not the administration as it stands to-day have the right to consider the question of modifying this improvement? Surely all parties will be heard before the War Department and before the Board of Engineers. I can not see any harm; and if it is going to be economy for the Government and it will be of advantage to the public, I can not see any question but that it is the proper course to pursue.

Mr. BARKLEY. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. BARKLEY. I desire to disabuse the gentleman's mind of the impression that I intended to convey the thought that the cities on the lower Ohio had built any terminals. I was speaking of those below Lock 48. There is no use of building terminals until there is navigation, but they are preparing themselves commercially for the increased traffic.

Mr. FREAR. Not along the Ohio from the head to the foot, according to the report of the engineers, has a single municipal terminal been provided for. He says that the cities have sold their rights along the river. That is the point I am making.

Mr. BARKLEY. It is not necessary for the city to own terminals in order to have commerce.

Mr. FREAR. No terminals to take care of such commerce as you have.

Mr. BARKLEY. The reason is that we can not have the commerce until we have the improvements.

Mr. FREAR. The Mississippi River runs from 8 to 9 feet in depth from St. Louis to New Orleans, but we have not the traffic. Why? Because conditions do not invite it. The commerce does not go on the river. It has lost 95 per cent of what was there before the improvements were begun.

Mr. LONGWORTH. Will the gentleman yield?

Mr. FREAR. Yes; certainly.

Mr. LONGWORTH. I think the gentleman is not quite correct. In regard to Cincinnati, the city owns a considerable portion of the water front.

Mr. FREAR. They may own the water front; they own the street fronts; but they have no improvements that reach down to the water's edge.

Mr. LONGWORTH. They have docks down there and barges.

Mr. FREAR. But they are privately owned.

Mr. LONGWORTH. No; the city owns the river frontage.

Mr. FREAR. The engineers' report speaks for itself.

Mr. BARKLEY. If the gentleman will yield, the city of Paducah, with 32,000 inhabitants, owns the entire water front and wharfage on the Ohio River at that place, which does accommodate traffic, not only of the Ohio but of the Mississippi, Cumberland, and Tennessee, and when the navigation is completed they will have ample commerce.

Mr. FREAR. Again I say the Engineers' official report is in evidence, and it is clear as to conditions on a river where over \$50,000,000 has been expended by the Government.

Mr. SWITZER. Mr. Chairman, I desire to oppose the motion of the gentleman from Kentucky and also at this time I wish to put on record my dissent from the report of the Army engineers as to the terminals along the Ohio. I think in most places there have been sufficient terminals for the traffic that exists on the Ohio River. The great traffic on the Ohio River, the large tonnage, is coal, and it can only be handled, in the main, by private-owned terminal facilities. That is, you dump it from



the mine tipples into the barges in the river. Of course, they are privately owned. Who would develop a coal mine and want the public to run into their tippie. They must necessarily be privately owned. I will say to the gentleman from Wisconsin that I have no doubt the greater part of the Lake tonnage—iron ore and coal—is handled by private-owned terminals. I believe that most of the coal at Toledo is loaded and iron ore unloaded from barges by private-owned terminals. I agree that they ought to keep pace with the progress of improvement on the river, and wherever traffic or prospective traffic justifies it public terminals should be constructed. As to the recommendation of the Rivers and Harbors Committee having in view a modification of the Ohio River project, I want to assure the gentleman from Kentucky that I do not think the Army engineers want to do anything injurious to the people living on the lower part of the Ohio River. I live on the upper part and we want 9 feet of water at the mouth of the river. If the engineers can be allowed to change the method they may procure 9 feet without the necessity of spending eight or ten million dollars on expensive locks and dams. Recollect that this is a mere try-out proposition. The construction of the dams on the lower Ohio are held in abeyance while they are constructing the dams above Cincinnati, and if they find by the dredging of the river below dam 48 for the next three or four years that they can procure 9 feet depth and maintain it by dredging cheaper than you can maintain it by locks and dams, and they can get 9 feet of water without locks and dams, you will have a channel unobstructed. Recollect that locks and dams impede to some extent navigation. I would prefer that the Ohio had 9 feet of water from my city, Gallopis, to Pittsburgh without a lock or dam in it.

Mr. BARKLEY. I would like to ask the gentleman, under the language of this proviso, after the Secretary of War has authorized a modification of the original project, how is he going to remodel it so as to complete the locks and dams?

Mr. SWITZER. He is directed to merely hold the matter in abeyance until they try out this proposition of dredging there, and if they can not procure 9 feet in that way necessarily they will go on and construct the dams. Originally there were to be 54 dams, but one has already been eliminated and nobody has objected. If they can eliminate 10 or 12, they may still give the people the original proposition of 10 feet of water.

Mr. MADDEN. Will the gentleman yield?

Mr. SWITZER. Yes.

Mr. MADDEN. I was wondering whether the proviso means what the gentleman says. It provides—

that the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

That gives him absolute power to do the thing, does it not?

Mr. SWITZER. No; it is according to that report, is it not?

Mr. MADDEN. Yes.

Mr. SWITZER. That report provides for the elimination of all locks below Lock 48. This is what he says:

In view of the possibility that the project depth below this lock [Lock 48] may be made available by dredging at reasonable cost the Ohio River Board recommends that work on the project below this lock be held in abeyance for the present.

Mr. MADDEN. Mr. Chairman, will the gentleman yield further?

Mr. SWITZER. Yes.

Mr. MADDEN. The iniquity of the language used, if I may be permitted to so express myself, in the rivers and harbors bills is that they all refer one back to a document that nobody reads. The law itself ought to state the facts; that is, it ought to state what is intended to be done. I am afraid that the language employed here in this proviso is a little too broad.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MADDEN. I think the language of the proviso is broader than the language in the document.

Mr. FESS. Mr. Chairman, will the gentleman yield?

Mr. SWITZER. Yes.

Mr. FESS. The canalization of the Ohio when completed we think will produce more commerce.

Mr. SWITZER. We hope so; yes.

Mr. FESS. Every time that there is any objection made to it, it is upon the ground that we have not the commerce.

Mr. SWITZER. Yes.

Mr. FESS. If you change the plan, how much time is going to be required and how much interruption in getting the river in shape so that it can be used?

Mr. SWITZER. If the proposed dredging method appears to be successful, the river, of course, will be put in condition from the head to the mouth; that is, there will be secured a 9-foot channel from the head of the river to the mouth, within five or six or seven years sooner than it will be if we have to construct those locks and dams on the lower part of the river. It is going to take three or four or five years to construct some of those dams.

Mr. DIXON. The interpretation of the gentleman from Ohio of this provision is that it is simply to give them an opportunity to test the question as to whether it can be dredged successfully.

Mr. SWITZER. Yes; and I do not want them to have any more authority than that. If we are giving them too much authority, I want to modify it.

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SWITZER. Mr. Chairman, I ask unanimous consent to proceed for three minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SWITZER. I will say this to the gentleman from Kentucky [Mr. BARKLEY], that I do not want anything in the bill that at this time can be construed as a provision that we have already decided to eliminate those locks and dams. If it does anything more than we think it does, I would like to have it modified.

Mr. BARKLEY. The report of the engineers simply suggests that they go ahead with channel work for the next few seasons, to determine whether it can be done successfully; but the bill authorizes the Secretary of War to modify the project.

Mr. SWITZER. If I could have the attention of the chairman of the committee and suggest that if this language is likely to be so construed, that we find at this time the necessity for modifying the project, and that we propose to eliminate these dams, I shall not favor it.

Mr. SMALL. There is not the slightest danger of the language being construed by the Chief Engineer as modifying the project, other than the recommendation.

Mr. SWITZER. What objection would there be to changing the language somewhat? Why not say that it is modified according to this report?

Mr. SMALL. We have already said that. The language is this:

Provided, That the Secretary of War is hereby authorized to modify the project for the improvement of the Ohio River in accordance with the report submitted in House Document No. 1695, Sixty-fourth Congress, second session.

Mr. SWITZER. Why not say that the construction of these dams be held in abeyance until they try out this proposition?

Mr. BARKLEY. They have already been held in abeyance, and they can go and do channel work without putting anything in the bill at all. It is not necessary to authorize the War Department to do channel work. Why can not this proviso be left out until they determine whether they can do channel work successfully?

The CHAIRMAN. The time of the gentleman from Ohio has again expired.

Mr. SMALL. Mr. Chairman, I would like to say, with all due respect, that the amendment to strike out here is without the slightest merit. The report is known as House Document No. 1695, Sixty-fourth Congress, second session, submitted to Congress December 7, 1916. This report, which we are adopting by this proviso in the bill, simply provides for three modifications, first, that movable dams 1 and 2 have substituted for them one fixed dam, located at the head of the river, near Pittsburgh; that the Secretary of War be authorized to substitute fixed dams for movable dams in the river wherever it may appear to be best for the navigation of the river; and, third, that he be authorized to substitute open-river improvement for movable dams below Lock and Dam No. 48, if that should appear to be advantageous. What the gentleman from Kentucky [Mr. BARKLEY] objects to is that last recommendation. The report says that Lock and Dam No. 48 is the lowermost lock on which construction has been begun, and I may add, by way of parenthesis, that Dam 48 is 804½ miles below Pittsburgh, 164 miles from the mouth, and 6 miles below Henderson, Ky. That will give information as to the relative location of Dam 48. I quote from the report of the Board of Engineers for Rivers and Harbors to whom this matter was referred:

4. Lock and Dam No. 48, 804.1 miles below Pittsburgh, is the lowermost one upon which construction has begun. Consideration is given by the Ohio River Board to the question of maintaining the desired channel depth below this dam by dredging instead of by the completion of the slackwater system. Experience indicates that the estimates for the locks and dams on the lower river are too low; also that the unit cost of dredging is higher than on the Mississippi River and that apparently there is not a sufficient flow of water in the Ohio at its lowest

stage between No. 48 and the mouth of the Tennessee River to maintain a dredged channel of project depth. Below this tributary conditions are more favorable for maintaining an open channel, and it appears probable that the 9-foot depth can be successfully and economically maintained by dredging below the mouth of the Tennessee. Whether dredging or locks and dams will be the better between No. 48 and the mouth of the Tennessee is a question which can be determined only by further experience, and it is proposed by the Ohio River Board to conduct such dredging operations below No. 48 during the next few seasons as will permit a determination of this question, the work to be carried on under the existing project for open-channel improvement.

5. In conclusion, the Ohio River Board recommends:

"(a) That the Secretary of War be given authority, if the same is not already possessed, to cause fixed dams to be built in the Ohio River wherever such fixed dams would be more advantageous than movable dams, and that such authority be secured by the first bill in Congress to which its enactment would be germane.

"(b) That a fixed dam at or near Emsworth, Pa., be built at an early date to take the place of existing Dams 1 and 2.

"(c) That the question of number and location of other fixed dams be left open at present pending information gained by experience with the first fixed dam.

"(d) That the question of the construction of dams below No. 48 or the maintenance of the channel in this part of the river by dredging be held in abeyance and allowed to await decision from the data obtained by the time that the matter of construction of these dams in serial order would arise."

6. The Board of Engineers for Rivers and Harbors is in general accord with the views of the Ohio River Board. It therefore recommends the following modifications of the existing project for the improvement of Ohio River; that a fixed dam be authorized at or near Emsworth, Pa., in place of the existing movable Dams Nos. 1 and 2; that the Secretary of War be given authority to substitute fixed for movable dams wherever in his opinion they may be desirable and to substitute open-river improvement for movable dams below No. 48 should this appear to be advantageous.

The final report or conclusion of the Chief of Engineers is always controlling. In this report the Chief of Engineers concurred with both the Ohio River Board and the Board of Engineers for Rivers and Harbors. I now insert the report of the Chief of Engineers in full:

2. The existing project for the slackwater improvement of the Ohio River, adopted by the river and harbor act of June 25, 1910, contemplates the improvement of the entire river to a depth of 9 feet by the construction of 54 locks and movable dams and the widening of the Louisville & Portland Canal, in accordance with the report submitted in House Document No. 492, Sixtieth Congress, first session, or such modification thereof as in the discretion of the Secretary of War may be advisable. Under the authority granted the Secretary of War, the project has been modified to provide for the widening of the Louisville & Portland Canal and Lock from 170 feet to 200 feet and from 85 feet to 110 feet, respectively, and for the omission of Lock and Dam No. 42, reducing the total number to 53. It has been found that in the upper river, where the run-off is more rapid than below, fixed dams would have some important advantages over movable dams, particularly in maintaining permanent pools in which tows may be made up conveniently and in affording better conditions for the establishment of industrial plants along the banks. Dams Nos. 1 and 2 were constructed many years ago and were originally designed for a depth of 6 feet, being subsequently modified for a depth of 9 feet. They are now in poor condition and will require reconstruction in the near future. In the opinion of the Ohio River Board it is advisable to substitute for these two dams one fixed dam located at or near Emsworth, and it recommends that the Secretary of War be given authority, if the same is not already possessed, to cause fixed dams to be built on the Ohio River wherever such fixed dams would be more advantageous than movable dams. Lock No. 48 is the lowermost lock on which construction has been begun. In view of the possibility that the project depth below this lock may be made available by dredging at reasonable cost, the Ohio River Board recommends that work under the project below this lock be held in abeyance for the present. The Board of Engineers for Rivers and Harbors is in general accord with the views of the Ohio River Board.

3. After due consideration of the above-mentioned reports, I concur in general with the views of the Ohio River Board and the Board of Engineers for Rivers and Harbors, and therefore recommend legislation authorizing the construction of a fixed dam at or near Emsworth, Pa., in place of the existing movable Dams Nos. 1 and 2, and authorizing the Secretary of War to substitute fixed for movable dams wherever in his opinion they may be desirable, and to substitute open river improvement for movable dams below No. 48, if this should appear to be advantageous.

W. M. BLACK,

Chief of Engineers, United States Army.

These six locks and dams below Lock No. 48 will cost at a minimum \$12,000,000, and, judging from later estimates, the cost of those six locks and dams will, in all probability, largely exceed the sum of \$12,000,000. Now, the only effect of adopting this report is to authorize the Chief of Engineers to make an experiment with open-channel work to see if the project depth of 9 feet can be maintained without locks and dams, and if it can be maintained, who would wish to involve the Government in an expensive construction of locks and dams?

Mr. MADDEN. I think it ought to be maintained if it can.

Mr. SMALL. And if it can not be maintained by open-channel work, of course—

Mr. MADDEN. Can not there be some way of expressing it in words in the bill which will make certain that it is not intended to do more than experiment, as it were, and not give the Secretary of War the power to say later on that it meant something quite different?

Mr. SMALL. I am in sympathy with the purpose of the gentleman. There is no difference as to the purpose we have in view. I was simply contending that by the uniform method of construing reports, when they are referred to or when an au-

thorization is made in accordance with a certain report, is to construe it as if the recommendations of the Chief of Engineers was a part of the act itself; and when, therefore, it is made a part of the act, it appears entirely to be a matter of experiment to determine whether the 9 feet can be maintained. I do not wish to be considered as obstinate, and if the gentleman from New York can suggest anything to carry out the purpose of the bill, I would be very glad to hear it.

Mr. DEMPSEY. Let me suggest that you strike out the word "modify" and insert in place thereof the following: "hold in abeyance for the present"; and, after the word "river," insert "while experimenting with open-channel work to gain the desired depth of 9 feet instead of lock construction." That is what the committee is trying to do, and I think that expresses it in very clear language.

Mr. BARKLEY. That might include all locks and dams, and not below No. 48.

Mr. DEMPSEY. Well, say project for the improvement of the Ohio River below Lock 48—

Mr. MADDEN. Mr. Chairman, will not the gentleman pass this by for the present time?

Mr. BARKLEY. Mr. Chairman, I do not like the words "held in abeyance."

Mr. MADDEN. Mr. Chairman, I would ask the gentleman to pass it over and see if we can agree on something. If we can not, of course we will accept what the committee has.

Mr. SMALL. Mr. Chairman, in deference to the request of the gentleman from Illinois, I ask unanimous consent that this paragraph for the Ohio River be passed over temporarily.

The CHAIRMAN. The gentleman from North Carolina asks unanimous consent that the paragraph under consideration—Mr. MOORE of Pennsylvania. Does that mean the paragraph?

Mr. DEMPSEY. Just this proviso—

Mr. WALSH. You can not pass the proviso; you have to include the entire paragraph.

The CHAIRMAN. The Chair understands the request of the gentleman applied to the entire paragraph?

Mr. SMALL. The entire paragraph.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. LITTLE. Mr. Chairman, I desire to offer the following amendment and ask its adoption.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 11, after line 25, insert as a new paragraph the following: "Marais des Cygnes River, Kans.: For improving and maintaining banks, \$25,000."

Mr. FOSTER. Mr. Chairman, I reserve the point of order.

Mr. LITTLE. Will the gentleman make the point of order?

Mr. FOSTER. I will reserve it if the gentleman wants to say something.

Mr. LITTLE. I would rather have it disposed of if the point of order be valid. What is the point of order?

Mr. FOSTER. The amendment provides for preserving the banks of the river, and not for navigation.

Mr. LITTLE. It does not do that—does not say it is not to aid navigation.

Mr. FOSTER. I understood the amendment to say that. Will the Clerk again report the amendment?

The CHAIRMAN. The Clerk will report the amendment, without objection.

There was no objection.

The amendment was again reported.

Mr. SMALL. I suggest that the gentleman from Illinois reserve the point of order.

Mr. LITTLE. Mr. Chairman, I would rather have it passed on, as I do not care to take up the time of the committee unless it is in order, and that is what I want to find out. If it is in order, I shall urgently request the House to include it in the bill, as it is a just and useful measure.

Mr. FOSTER. Mr. Chairman, I make the point of order.

The CHAIRMAN. Does the gentleman from Kansas desire to be heard?

Mr. LITTLE. I do not see anything in the amendment that would sustain a point of order. The gentleman tells us that there are certain conditions about it, but that is no part of the amendment.

Mr. SMALL. I assume the gentleman makes the point of order because it does not involve an improvement of a river.

Mr. FOSTER. I do. It is not a matter of navigation. While the work may be very beneficial and probably ought to be done, yet there are thousands of streams in the United States which come under that same head.



The CHAIRMAN. It is very clear to the Chair that if the amendment provides for the improvement of the river it might possibly be in order, but the amendment offered by the gentleman from Kansas provides for improving and maintaining the banks of the river to which the gentleman refers.

Mr. LITTLE. But what I called to the attention of the Chair is the fact that it does not say that it is not done for the purpose of navigation. The improvement of the bank might be for purposes of navigation.

The CHAIRMAN. But the Chair can readily see how a bank could be improved and at the same time it would be no improvement of the river.

Mr. LITTLE. I do not see how you can improve the bank without improving the navigation of the river, if it had any navigation.

The CHAIRMAN. Not necessarily.

Mr. LITTLE. As a matter of fact, as the gentleman suggested, it is a very desirable thing to have done, and it should have been done a long time ago. We have been trying to find a place to work it in. If it is in order, I would like to have it go in. Every year vast crop losses occur there, and the crops saved any year would pay for the improvements. I should say. The Flood Control Committee has not had a meeting this Congress and does not intend to expend any money on flood control during the war. Here appears to be our only chance to get it in.

The CHAIRMAN. In its present form the Chair thinks it is not in order, and the Chair therefore sustains the point of order. The Clerk will read.

The Clerk read as follows:

Allegheny River, Pa.: For maintenance by open-channel work, \$5,000; continuing improvement by construction of locks and dams, \$500,000; in all, \$505,000.

Mr. WALSH. Mr. Chairman, the item as read by the Clerk is "For maintenance by open-channel work, \$5,000; continuing improvement by construction of locks and dams, \$500,000." The bill which I have on the second item says "\$500,000." I assume that it may have been a misprint.

Mr. SMALL. The gentleman from Massachusetts is correct. It is stated correctly in the bill.

Mr. WALSH. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out the last word.

Mr. WALSH. May I be permitted to ask the chairman of the committee if this river is at all affected with the plague of water hyacinths?

Mr. SMALL. I am happy to report that the water hyacinth does not thrive on the Allegheny.

Mr. WALSH. Well, Mr. Chairman, I think it is a matter of congratulation that the distinguished gentleman from Pennsylvania who has championed so well the cause of river and harbor improvement for a great many years has not had to combat this frightful evil in his own great State, and that no part of this \$505,000 carried in this item is going to be used in exterminating that somewhat troublesome weed.

I am very sorry that I was called out of the Chamber when the two items for the eradication of this weed in the present bill were up for discussion, because I desired to ask some questions with reference to the sum of \$416 that had been received from the sales. I wondered whether they were selling the blooms as flowers for weddings and floral decorations, or whether there were any chemical properties about the weed which make it valuable for fertilizer.

I understand that another great committee of this House some few years ago had submitted to it a project that the Government buy a troop of hippopotami and turn them loose in those rivers in Alabama and Louisiana, and they were given assurance that these animals would clean the rivers of that weed. I notice, in referring to the report of the engineers, that they are unable to continue the use of arsenic in spraying these plants because the cattle getting into the rivers to drink or feed are poisoned. I wondered, it having been intimated and insinuated, not in the Official Bulletin, but in other official publications, I think, that this was to be a rather poor year for cirques in view of the Government controlling the railroads, whether or not the distinguished chairman of the committee might not prevail upon the owners of some of these beasts to permit them to try browsing about in these rivers in these two sections. [Laughter.] Their upkeep, I assume, would be but slight, and I doubt not but that they could be kept within a very restricted area because of the profusion of the water hyacinths.

I observe that we have expended \$170,000 in one State in seeking to eradicate this weed, and in another State I think nearly \$400,000. The activities in seeking to wipe it out lasted in one year from the 7th of July to the 21st of August, and

during that time I assume that the great water commerce in that vicinity was tied up along the banks while the work of extermination by log beams and dredges was going on.

It would seem to me, Mr. Chairman—and I intended to offer a proviso to this paragraph if the Allegheny River and the dwellers along its beautiful bank were unfortunate enough to be troubled by this weed—that the local authorities ought to contribute to work such as that; that when commerce is in such a condition that the water hyacinth, growing in profusion, can obstruct it, it is not of such an interstate character that we ought to spend money year after year, running up into the hundreds of thousands of dollars, in seeking to exterminate it.

With these few uninteresting observations I will now ask the chairman of the committee if he can tell me for what the \$416 was received?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman—

Mr. WALSH. Will not the gentleman let the chairman of the committee answer my question?

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. The gentleman from Massachusetts has had the floor for full five minutes without any one assuming to dispute with him what he has said.

Mr. WALSH. I know that the distinguished gentleman from Pennsylvania can answer it, but I would prefer to have the answer of the chairman of the committee.

Mr. SMALL. I do not understand the gentleman from Massachusetts to attempt to quote from any report of the Chief of Engineers any statement to the effect that \$416 had been received from the sale of water hyacinths. The probability is that it was the sale of some discarded material, which is frequently sold.

While the gentleman is looking for his data I may say that my regard for his intelligence forbids my accepting his remarks as being made seriously. My regard for him would rather induce me to say that he is speaking facetiously, and if he is speaking facetiously I beg to remind him that some of his distinguished predecessors in past Congresses, when river and harbor bills were under consideration, have played the rôle of ridicule and irony and facetiousness with much greater success than has the gentleman from Massachusetts. [Laughter.] I would advise him to read up the pages of the CONGRESSIONAL RECORD in order that he may brush up and amend his facetious remarks about the water hyacinth and improve them, so that he may have them ready to expend upon a gaping and waiting House at the next regular session of Congress when the river and harbor bill is under consideration. We shall be distinctly disappointed if he does not, and if he should not be inclined to do so, that he will find some other Member who will assume the rôle. The consideration of no river and harbor bill would be complete without some merriment over the water hyacinth.

It would be distinctly disappointing to have a hiatus at the next session when the water hyacinth shall not be paraded before the House in all its odoriferousness and glory. [Laughter.]

Mr. WALSH. If the gentleman will permit, of course I would not attempt to be facetious in the absence of a quorum, and I did not make the point of order that there was no quorum present. But I would like to state to the gentleman that the report of the Board of Engineers discloses—

Mr. SMALL. What page is the gentleman reading from?

Mr. WALSH. On page 176, in connection with the Withlacoochee River—that the total expenditure, not including receipts from sales, amounted to \$416. Now, on page 946 we are told—

Mr. KNUTSON. Mr. Chairman, will the gentleman from Massachusetts yield?

Mr. WALSH. I will not. We are told that receipts from sales amounted to \$1,823. My question was prompted by the desire to ascertain seriously if this weed, or lily, or root, or herb, had any chemical properties which might make it valuable as a fertilizer. As the gentleman well knows, along the rock-bound coast of New England there is gathered seaweed, kelp, and rockweed, which is valuable for its fertilizing qualities, and I wondered whether or not this water hyacinth contained any substances—

Mr. FOSTER. Of medicinal value.

Mr. WALSH. Potash, or ammonia, or anything of that sort, that might make it useful for fertilizer.

Mr. SMALL. I have no information on that phase of the hyacinth.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Did the gentleman from North Carolina speak in his own time or mine?

The CHAIRMAN. The Chair understood the gentleman from Pennsylvania yielded to him.

Mr. SMALL. I hope the gentleman from Pennsylvania may have five minutes, and after the gentleman concludes it is my purpose to move that the committee rise.

The CHAIRMAN. Is there objection to the gentleman from Pennsylvania proceeding for five minutes?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Chairman, I would not have risen except that the gentleman from Massachusetts [Mr. WALSH], in the kindness of his soul, made special reference to me during his inquiry about the water hyacinth. If I recall his remarks correctly, he inquired whether the water hyacinth grew in the Allegheny River in western Pennsylvania. I can say to the gentleman emphatically and positively that the water hyacinth does not grow in the Allegheny River. If the gentleman from Massachusetts would travel about the country a little, he would learn something about rivers and harbors; some things, I would say in all kindness, that he does not now seem to know. The water hyacinth is indigenous to certain Southern States. That may account for the fact that the gentleman from Massachusetts, who is an arboreal artist in other respects, may not understand the situation. The water hyacinth grows in the rivers and streams of Florida and along the Gulf coast over to Louisiana. It is of perennial growth. It is just as necessary to make appropriation and provision for its removal as it is to make provision for the maintenance of a channel concerning which I recall the gentleman from Massachusetts inquired during one of the earlier days of the consideration of this bill. Gentlemen have asked about the necessity for appropriations to maintain a channel, and have asked it just as ingenuously as the gentleman from Massachusetts asked this question about the water hyacinth. The water flows up and down a tidal stream, back and forth, and the water flows in from tributary streams, and sometimes a tributary stream carries silt, dirt, and mud along with it, and that settles in the main channel. Sometimes it carries logs and timber and brush, particularly in times of freshet, and if they settle they help to fill up the channel for which appropriations were made in preceding years. It is just as important that a channel should be swept and kept in order from year to year as it is that a good housewife should take her broom and remove the dust from the floor and the cobwebs from the wall every day. It is just as natural, just as proper, and just as necessary if the channel is to be kept clean and kept serviceable. It is one of the conditions that confronts all the waterways of the country.

Now, the growth of the water hyacinth in its particular locality must be given the same consideration that the maintenance of a channel must be given elsewhere. The trouble with the water hyacinth is that it grows on the top of the water. It does not grow out of the soil. And it packs together until in some streams it is so thick and becomes so firm that it would almost bear the weight of a man crossing over. Of course such a mass of matter on the top of a stream will impede navigation, and the purpose of these small appropriations from year to year is to cut through this covering and to prevent this great mass of seaweed, or hyacinth, as it is called, from floating into the navigable portions of the streams where it endangers navigation.

The gentleman from Massachusetts [Mr. WALSH] asks his questions somewhat facetiously, I am sure; but with regard to the utilization of the hyacinth I assure him that efforts are being made to grind it into fertilizer. Experiments are being made, I am informed, and to a certain extent they are successful. That answers that question. As to the propriety of the appropriations to remove the water hyacinth the gentleman should be considerate, for in his own State of Massachusetts, indeed along the whole New England coast, that rock-bound coast from which he is proud to come, while they do not have the water hyacinth, they have water grasses of one kind or another, they have seaweed, and even the periwinkle. God help the small boat whose propeller gets tied up in any one of these natural grasses that are indigenous to the New England coast. I do not recall that we have made many appropriations for the purpose of removing seaweed from the streams of the Northern States, but I do know that folks up yonder have made complaints to the Government, and they have made complaints to individuals down here in Washington, with respect to the effect of this grass growing in the streams upon such navigation as they have there. Rivers in Maine are affected by seaweed, rivers in Massachusetts, even the Merrimac, have difficulty in navigation with regard to these grasses. It is no uncommon thing for a farmer using his motor boat, or for some one in larger craft to find his propeller clogged. In such a case he must reverse the engine in order to get the grass off. The trouble with the water hyacinth is that it is a

great deal more "cussed" than the ordinary seaweed of the Northern States. I hope this explanation is satisfactory to the gentleman from Massachusetts.

Mr. FREAR. Mr. Chairman, I request unanimous consent to extend in the RECORD two letters—one from the Attorney General and the other a reply—in regard to broken glass, poisoned water and poisoned court-plaster, and other complaints of that kind. I will withhold the reading. I would have liked to have read it if we had had an opportunity.

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to know whether the gentleman will put this in the back of the RECORD.

Mr. FREAR. Yes; I will ask to place it in the back of the RECORD.

Mr. MOORE of Pennsylvania. Then I have no objection.

Mr. WALSH. Reserving the right to object, I do not think you can grant a request to put it in the back of the RECORD; it ought to go in where it is offered.

Mr. MOORE of Pennsylvania. I will say to the gentleman that this is a matter that has nothing to do with rivers and harbors. It is a communication from the Attorney General with respect to the rumors about ground glass in food. I think it is just such a communication as Members would wish to read at this time.

Mr. SMALL. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. BYRNS of Tennessee, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 10069, the river and harbor appropriation bill, and had come to no resolution thereon.

#### LEAVE OF ABSENCE.

Mr. McLEMORE, by unanimous consent, was given leave of absence for one week, on account of important business.

#### INDIAN APPROPRIATION BILL.

Mr. CARTER of Oklahoma presented a conference report on the Indian appropriation bill, and by unanimous consent was given until 12 o'clock midnight to file a statement.

The conference report is as follows:

#### CONFERENCE REPORT (NO. 494).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8696) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1919, having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its amendments numbered 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In line 2 of the amendment proposed, after the word "That," insert the following "on and after September 1, 1918"; and in line 3 of the amendment proposed, before the word "country," insert the word "Indian"; and in line 3 of the amendment proposed, after the word "is," insert the words "or was"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the following figures and word "\$400,000: Provided" and insert the following "\$350,000: Provided, That not to exceed \$400,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding \$15,000: Provided further"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert "\$1,650,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and



agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That \$5,000 of this amount shall be immediately available: *Provided further*, That not to exceed \$15,000 of this appropriation shall be used for continuing the work of the competency commission to the Five Civilized Tribes in Oklahoma."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$150,000"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the completion of the enrollment of the allottees within the White Earth Reservation, in the State of Minnesota, required by the act of June 30, 1913, as amended by this act, \$3,000, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That not to exceed \$80,000 of the funds derived from the sale of timber from the Red Lake Indian Forest, Minn., under authority of the act of May 18, 1916 (39 Stat. L., 137), of which amount \$50,000 shall be immediately available, may be expended by the Secretary of the Interior in payment of the expenses authorized by said act, and in the logging, booming, towing, and manufacture of timber at the Red Lake Agency sawmill: *Provided*, That not to exceed \$15,000 of said amount may be used to reimburse the tribal fund, known as 'Indian money, proceeds of labor, Red Lake Indians,' heretofore actually expended in said operations."

And the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That of the unexpended appropriation of \$5,000 authorized to be withdrawn from the tribal funds of the Chippewa Indians of Minnesota for the construction of a bridge across the Mississippi River on the Cass Lake Reservation by the Indian appropriation act approved March 2, 1917, \$4,000 may be expended for improving the road between the Cass Lake Indian School and the village of Cass Lake upon the condition that the counties of Cass and Beltrami, in the State of Minnesota, shall file with the Secretary of the Interior a written agreement to reimburse the United States, for the benefit of the Chippewa Indians, within two years to the extent of one-half of the amount expended upon said road."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In line 10 of the amendment proposed, after the word "the," insert the words "actual and necessary"; and in line 13 of the amendment proposed, before the word "expenses," insert the words "actual and necessary"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: Strike out all after the word "*Provided*," in line 12 of the amendment proposed, and insert the following:

"That \$4,000 of said amount, or so much thereof as may be necessary, may be used in the construction of a suitable school building at the town of White Earth: *Provided further*, That the State school district in which the town of White Earth is located, contributes a like amount to be used in the construction of a building, the total cost of which shall not exceed \$8,000, the said appropriation to remain available until expended: *And provided further*, That when said building is completed it shall be turned over to the local school authorities of the said town of White Earth, and shall thereafter be operated and maintained by them, and Indian children shall at all times be admitted to said school on the same conditions as white children."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

# MISSISSIPPI.

"Sec. 9. For the relief of distress among the full-blood Choctaw Indians of Mississippi, including the pay of one special agent, who shall be a physician, one farmer, and one field matron, \$5,000; for their education by establishing and maintaining day schools, including the purchase of land and the construction of necessary buildings, \$20,000; for the purchase of lands, including improvements thereon, not exceeding 80 acres for any one family, for the use and occupancy of said Indians, to be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States, under such rules and regulations as he may direct, \$25,000; for the purpose of encouraging industry and self-support among said Indians and to aid them in building homes, in the culture of fruits, grains, cotton, and other crops, \$25,000, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable said Indians to become self-supporting, to be expended under conditions to be prescribed by the said Secretary for its repayment to the United States on or before June 30, 1925; in all \$75,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 3 of the amendment proposed strike out the figures "\$250,000" and in lieu thereof insert the figures "\$375,000"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For continuing construction, maintenance, and operation of the irrigation systems on the Fort Peck Indian Reservation, in Montana, \$50,000 (reimbursable), which shall be immediately available and remain available until expended."

And the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "approximately," and in line 5 of the amendment proposed strike out the word "approximately"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For one-half the cost of constructing a wagon road between Tularosa, Otero County, N. Mex., and the Indian agency on the Mescalero Indian Reservation in said State, in conformity with plans approved by the Secretary of the Interior, \$16,000, or so much thereof as may be necessary, to be immediately available, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Mescalero Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "\$10,000; in all, \$36,600" and insert "\$6,000; in all, \$32,600"; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: Strike out all of the amendment proposed after the word "acts," in line 10 thereof down to and including the word "Indians," in line 11, and insert in lieu thereof the following: "or to use said moneys for the benefit of the Indians entitled thereto"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In line 9 of the amendment proposed strike out the words "said moneys may be," and in line 10 of the amendment proposed strike out the words "expended without limitation and shall include," and in lieu of the matter stricken out in lines 9 and 10 insert the following after the word "That," in line 9: "the expenditure of said money shall include the St. Louis Mission Boarding School and"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and

agree to the same with an amendment as follows: In line 3 of the amendment proposed, before the word "surplus," insert the word "unencumbered"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"Sec. 18. For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, \$185,000: *Provided*, That a report shall be made to Congress by the superintendent for the Five Civilized Tribes through the Secretary of the Interior, showing in detail the expenditure of all moneys appropriated by this provision: *Provided further*, That no part of said appropriation shall be used in forwarding the undisputed claims to be paid from individual moneys of restricted allottees, or their heirs, or in forwarding uncontested agricultural and mineral leases, made by individual restricted Indian allottees, or their heirs, to the Secretary of the Interior for approval, but all such undisputed claims or uncontested leases now required to be approved under existing law by the Secretary of the Interior shall be paid, approved, rejected, or disapproved by the superintendent for the Five Civilized Tribes of Oklahoma: *Provided, however*, That any party aggrieved by any decision or order of the superintendent for the Five Civilized Tribes of Oklahoma may appeal from the same to the Secretary of the Interior within 30 days from the date of said decision or order: *And provided further*, That the superintendent for the Five Civilized Tribes shall, immediately upon the approval of any lease, notify the Secretary of the Interior of such approval, giving the names of the parties and description of the property leased."

And the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 12 of the amendment proposed, after the word "amounts," insert a comma and the following: "not exceeding \$1,050"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$250,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the word "five" and in lieu thereof insert "four," and in line 7 of the amendment proposed strike out the figures "\$20,000" and insert the figures "\$17,500"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following: "\$400,000"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lines 3 and 4 of the amendment proposed, and after the figures "\$200,000," in line 3, strike out the following: "to be immediately available and to remain available until expended,"; and in line 17 of the amendment proposed, after the word "hereby," strike out the words "made available until expended" and insert the following "reappropriated"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"That the sum of \$2,801.50, being the unexpended balance of the sum of \$5,000 appropriated by the Indian appropriation act approved May 18, 1916, as a proportionate share of the cost of constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak., be, and the same is hereby, made available upon the same terms and for the same purposes as provided in said act."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

#### "TEXAS.

"Sec. 22. For the education of the Alabama and Coushatta Indians located in Polk County, Tex., by the construction of a school building, including equipment, upon land belonging to said Indians, \$5,000; and by aiding the public schools established

by the State or local authorities to the extent of 10 cents per day for each Indian child who attends such schools, \$2,000, to be expended under the direction of the Secretary of the Interior; and the Secretary of the Interior is hereby authorized and directed to cause an investigation to be made as to the necessity and advisability of purchasing lands for said Indians and to make report thereon to Congress on or before the first Monday in December, 1918, and the sum of \$1,000, or so much thereof as may be necessary, is hereby appropriated to pay the expenses of such investigation; in all, \$8,000, to be immediately available."

And the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: In line 1 of the amendment proposed strike out the figures "\$12,600" and insert the figures "\$12,000"; and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the amendment proposed insert the following:

"For the construction of a wagon road through the Shivwits Indian Reservation, Utah, \$5,000; for the construction of a steel bridge and approaches across the Santa Clara River on the Shivwits Indian Reservation, \$10,000; in all, \$15,000, reimbursable to the United States from any funds now or hereafter placed in the Treasury to the credit of the Shivwits Tribe of Indians, to remain a charge and lien upon the lands and funds of said tribe of Indians until paid."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In line 5 of the amendment proposed strike out the word "expense," and insert in lieu thereof the following: "actual and necessary expenses"; and in line 7 of the amendment proposed, after the word "attorneys," insert the following: "from the State of Washington"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In line 4 of the amendment proposed strike out the word "directed" and in lieu thereof insert the word "authorized"; and in line 5 of the amendment proposed, after the word "sum," insert a comma and the following: "not exceeding \$25,000"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the amendment proposed and insert the following:

"Sec. 28. That the Secretary of the Interior be, and he is hereby, authorized, under such rules and regulations as he may prescribe, to withdraw from the United States Treasury and segregate the common, or community funds of any Indian tribe which are, or may hereafter be, held in trust by the United States, and which are susceptible of segregation, so as to credit an equal share to each and every recognized member of the tribe except those whose pro rata shares have already been withdrawn under existing law, and to deposit the funds so segregated in banks to be selected by him, in the State or States in which the tribe is located, subject to withdrawal for payment to the individual owners or expenditure for their benefit under the regulations governing the use of other individual Indian moneys. The said Secretary is also authorized, under such rules and regulations as he may prescribe to withdraw from the Treasury and deposit in banks to the credit of the respective tribes, such common, or community, trust funds as are not susceptible of segregation as aforesaid, and on which the United States is not obligated by law to pay interest at higher rates than can be procured from the banks: *Provided*, That no tribal or individual Indian money shall be deposited in any bank until the bank shall have agreed to pay interest thereon at a reasonable rate and shall have furnished an acceptable bond or collateral security therefor, and United States bonds may be furnished as collateral security for either tribal or individual funds so deposited, in lieu of surety bonds: *Provided further*, That the Secretary of the Interior, if he deems it advisable and for the best interest of the Indians, may invest the trust funds of any tribe or individual Indian in United States Government bonds: *And provided further*, That any part of tribal funds required for support of schools or pay of tribal officers shall be excepted from segregation or deposit as herein authorized, and the same shall be expended for the purposes aforesaid: *Provided, however*, That the funds of any tribe shall be deposited in banks to the credit of said tribe or invested for its benefit until the final rolls of said tribe are complete: *And provided further*, That the fore-



going shall not apply to the funds of the Five Civilized Tribes or the Osage Tribe of Indians in the State of Oklahoma."

And the Senate agree to the same.

C. D. CARTER,  
CARL HAYDEN,  
P. P. CAMPBELL,  
*Managers on the part of the House.*

HENRY F. ASHURST,  
CHARLES CURTIS,  
ROBERT L. OWEN,  
*Managers on the part of the Senate.*

#### STATEMENT.

The bill as it passed the House carried appropriations as follows:

Gratuity	\$8,145,160.00
Reimbursable	3,002,965.00
Total	11,148,125.00

The bill as it passed the Senate carried appropriations as follows:

Gratuity	\$8,619,600.00
Reimbursable	1,967,373.86
Total	10,586,973.86

The bill as agreed upon in conference carries appropriations as follows:

Gratuity	\$8,245,660.00
Reimbursable	2,786,857.36
Total	11,032,517.36

The estimates for the fiscal year ending June 30, 1919, were \$12,255,210. The bill as agreed upon in conference is \$1,222,692.64 less than the estimates of the department and \$445,543.50 more than the bill carried when it passed the Senate.

The Senate conferees have receded on the following amendments: 7, 8, 12, 13, 15, 28, 29, 40, 41, 47, 50, 55, 72, 82, 85, and 89.

The House conferees have receded unqualifiedly on the following amendments: 1, 2, 6, 9, 14, 16, 17, 18, 19, 20, 21, 22, 31, 34, 35, 36, 37, 39, 42, 43, 45, 46, 48, 52, 53, 56, 57, 58, 62, 63, 66, 67, 68, 69, 71, 73, 74, 78, 81, 84, 87, 88, 90, and 91.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

On No. 1: Reduces amount \$50,000.  
On No. 2: Corrects the designation of the officer.  
On No. 6: Reduces amount \$50,000.  
On No. 9: Correction of language.  
On No. 14: Provides for completion of project.  
On No. 16: Limits expenditure to material and labor.  
On No. 17: Appropriates \$5,000, reimbursable, for completing the construction of two bridges near the Leupp Indian Agency, Arizona, in addition to the \$42,500 appropriated by act of March 2, 1917.

On No. 18: Prohibits conversion of public lands in New Mexico and Arizona into Indian reservations without consent of Congress.

On No. 19: Appropriates \$9,000 for installation of water supply at Fort Bidwell School.

On No. 20: Provides for construction and equipment of buildings on lands set aside by the State of Florida for perpetual use of the Seminole Indians, and that \$8,000 appropriated by act of March 2, 1917, for relief, civilization, and education of said Indians may also be used for construction and equipment of buildings on said lands.

On No. 21: Provides for \$10,000 for completing the construction of a drainage system on Haskell Indian School Reservation, Lawrence, Kans.

On No. 22: Provides that not exceeding \$16,000 of funds heretofore appropriated for mechanical and general utility shop-building and for addition to hospital may be expended for rebuilding laundry, purchase of laundry equipment, and for repairs to heating and power systems at Pipestone School, Minnesota.

On No. 31: Corrects the section number.

On No. 34: Decreases appropriation \$25,000 for irrigation systems on Blackfeet Indian Reservation, and decreases allowance by \$10,000 applicable appropriations for Flathead, Blackfeet, and Fort Peck irrigation projects made available for maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for officers' use upon aforesaid project.

On No. 35: Authorizes the Secretary of the Interior to withdraw from the Treasury \$200,000 of tribal funds to credit of Crow Indians in Montana and to expend the same for making

necessary improvements to irrigation systems in Big Horn Valley on the Crow Reservation in Montana, and to be reimbursed to the tribe.

On No. 36: Correct the section number.

On No. 37: Correct the section number.

On No. 39: Correct the section number.

On No. 42: Reappropriates and makes immediately available \$2,500.

On No. 43: Correction of language.

On No. 45: Corrects the section number.

On No. 46: Corrects the section number.

On No. 48: Corrects the section number.

On No. 52: Corrects the section number.

On No. 53: Makes the amount immediately available.

On No. 56: Insert the words: "tribal officers and."

On No. 57: Provides for deposit in National and State banks in Oklahoma of proceeds from leasing of oil, gas, and other minerals, the same to be done by rules and regulations prescribed by the Secretary of the Interior.

On No. 58: Appropriates \$25,000 from Osage fund for construction of Osage Agency and school buildings.

On No. 62: Increases amount of Creek tribal funds retained in Treasury for expenses of Creek tribal affairs by \$100,000.

On No. 63: Increases amount of Creek tribal funds retained in Treasury for payment of salaries for employees and other expenses by \$10,000.

On No. 66: Authorizes the Secretary of the Treasury to allow credit in the settlement of the accounts of William M. Baker in the sum of \$5,356.13.

On No. 67: Provides for the adjudication before the Court of Claims of the claims of J. F. McMurray as assignee of firm of Mansfield, McMurray & Cornish against the Choctaw and Chickasaw Nations.

On No. 68: Authorizes the expenditure of \$15,000 Chickasaw tribal funds supplemental to \$50,000 appropriated by Indian appropriation act of March 2, 1917, the same to be used in construction and equipment of dormitories at Murray State School of Agriculture, Tishomingo, Okla., immediately available.

On No. 69: Corrects the section number.

On No. 71: Limits the time.

On No. 73: Corrects the section number.

On No. 74: Corrects the section number.

On No. 78: Corrects the section number.

On No. 81: Corrects the section number.

On No. 84: Corrects the section number.

On No. 87: Authorizes the per capita payment of \$50 to the Menominee Indians of Wisconsin.

On No. 88: Corrects the section number.

On No. 90: Provides for the equitable distribution of cost of the Wind River Reservation project.

On No. 91: Corrects section number.

On the following amendments the House conferees receded with modifying or substitute amendments: 3, 4, 5, 10, 11, 23, 24, 25, 26, 27, 30, 32, 33, 38, 44, 49, 51, 54, 59, 60, 61, 64, 65, 70, 75, 76, 77, 79, 80, 83, 86, and 92.

The effect of the recession of the House conferees on the amendments on which they have receded with modifying or substitute amendments is as follows:

On No. 3: Modifies Senate amendment which makes possession of intoxicating liquor an offense punishable in accordance with acts of July 23, 1892, and January 30, 1897, so as to apply to Indian country only and to not take effect until after September 1, 1918.

On No. 4: Decreases appropriation for relief and care of destitute Indians not otherwise provided for, etc., from \$400,000, as passed by the Senate, to \$350,000.

On No. 5: Decreases the amount allowed by the Senate for the support of Indian day and industrial schools from \$1,700,000 to \$1,650,000.

On No. 10: Makes \$5,000 immediately available out of funds appropriated for general expenses of Indian Service.

On No. 11: Decreases the appropriation for industry and self-support from \$300,000, as it passed the Senate, to \$150,000.

On No. 23: Eliminates Senate language making \$3,000 appropriation for White Earth rolls immediately available and available until expended.

On No. 24: Includes also similar Senate amendment No. 28, which two combined authorize the use of \$80,000 from Chippewa funds for purpose of manufacture of timber at the Red Lake Agency sawmill.

On No. 25: Modifies language of Senate amendment which authorizes use of \$4,000 unexpended balance of Chippewa funds for improving road between Cass Lake Indian School and village in Case and Beltrami Counties, Minn.

On No. 26: Authorizes not to exceed \$10,000 of tribal funds of Chippewa Indians in Minnesota for payment of expenses of general council of said tribe and actual and necessary expenses of legislative committee visiting Washington during present session of Congress.

On No. 27: Authorizes the use of \$175,000 of Chippewa funds for promotion, civilization, and support among said Indians. This was consolidated with Senate amendment No. 29, making the \$4,000 authorized for construction of school building at White Earth available from Chippewa Indian funds.

On No. 30: Reduces the amount of \$150,000 allowed by the Senate for the Mississippi Choctaws to \$75,000 and makes the appropriation for each purpose specific.

On No. 32: Increases the amount allowed by the Senate for irrigation systems on the Flathead Indian Reservation, Mont., from \$250,000 to \$375,000.

On No. 33: Increases the amount allowed by the Senate for irrigation systems on the Fort Peck Indian Reservation, Mont., from \$25,000 to \$50,000.

On No. 38: Reappropriates unexpended balance of \$11,996.13 for procuring homes, etc., for nonreservation Indians in Nevada. Also \$7,611.23 reappropriated for purchase of agricultural equipment, etc.

On No. 44: Provides \$16,000, reimbursable, for a wagon road between Tularosa and the Indian agency on the Mesquero Indian Reservation, N. Mex.

On No. 49: Restores amount of appropriation for support and education of Indian schools, Bismarck, N. Dak., and reappropriates \$10,000 for employees' quarters and \$15,000 for new dining room and kitchen and equipment.

On No. 51: Amends acts so as to authorize the Secretary of the Interior to make per capita distributions to Standing Rock Indians.

On No. 54: Authorizes continuation of Osage schools until June 30, 1919.

On No. 59: That the House agreed to the amendment by inserting the word "unencumbered" before the words "surplus lands."

On No. 60: Appropriates \$185,000 for the administration of the affairs of the Five Civilized Tribes, Oklahoma. Authorizes report to be made to Congress by the superintendent of the Five Civilized Tribes through Secretary of the Interior and prohibits the expenditure of funds for forwarding from the office of the superintendent of the Five Civilized Tribes to the Secretary of the Interior the settlement of undisputed claims and applications for uncontested agricultural and mineral leases.

On No. 61: Authorizes the investigation and payment from funds due certain Choctaw Indians of certain claims not exceeding \$1,050 by the Secretary of the Interior.

On No. 64: Increases the appropriation in aid of the common schools in the Cherokee, Creek, Choctaw, Chickasaw, and Seminole Nations, and the Quapaw Agency in Oklahoma, from \$225,000, as it passed the Senate, to \$250,000.

On No. 65: Restores the House provision and language, but provides for four oil and gas inspectors.

On No. 70: Decreases the amount passed by the Senate for industry and self-support among the Klamath Tribe of Indians in Oregon from \$500,000 to \$400,000.

On No. 75: Restores the House language, but provides that the unexpended balance of \$300,000 appropriated by act of March 2, 1917, be reappropriated.

On No. 76: Makes available \$2,801.50, being unexpended balance of sum appropriated by Indian appropriation act of May 18, 1916, for constructing a wagon road or highway through the Standing Rock Indian Reservation in Corson County, S. Dak.

On No. 77: Authorizes \$5,000 for school building, \$2,000 for pay of tuition, and \$1,000 for investigating condition of Alabama and Coushatta Indians in Polk County, Tex.

On No. 79: Decreases the appropriation in aid of the public schools in the Uintah and Duchesne County school districts, Utah, from \$12,600, as it passed the Senate, to \$12,000.

On No. 80: Authorizes \$10,000 for the construction of a steel bridge on the Santa Clara River and \$5,000 for construction of a wagon road, all on the Shivwits Indian Reservation in Utah, reimbursable.

On No. 83: Appropriates \$2,000 from the tribal funds of the Yakima Indians, State of Washington, for actual and necessary expenses in presenting matters to Government officials at Washington, D. C., and for employment of attorneys.

On No. 86: Authorizes Secretary of the Interior to investigate claim of the legal representatives of R. V. Belt against the Pottawatomie Indians and to settle same from Pottawatomie Indian funds at not exceeding \$25,000.

On No. 92: Authorizes the Secretary of the Interior, when practicable, to segregate tribal funds held in trust by the United States for any Indian tribe and place same to the credit of indi-

vidual members; to deposit Indian funds in State or National banks at interest, or to invest such funds in United States Government bonds.

C. D. CARTER,  
CARL HAYDEN,  
P. P. CAMPBELL,

*Managers on the part of the House.*

#### SPEAKER PRO TEMPORE.

Mr. GILLET. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint a Speaker pro tempore until his return from the funeral of Senator STONE, the rules of the House to the contrary notwithstanding.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the Speaker be authorized to appoint a Speaker pro tempore during his absence in Missouri to attend the funeral of Senator STONE, the rules of the House to the contrary notwithstanding. Is there objection?

There was no objection, and the Chair appointed Mr. KITCHIN, of North Carolina, as Speaker pro tempore.

#### EXTENSION OF REMARKS.

Mr. LEA of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. WALSH. Reserving the right to object, upon what subject?

Mr. LEA of California. On the zone postal rate plan.

The SPEAKER. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with deep regret and profound sorrow of the death of Hon. WILLIAM JOEL STONE, late a Senator from the State of Missouri.

*Resolved*, That a committee of 12 Senators be appointed by the Vice President to take order for superintending the funeral of Mr. STONE, which will take place at 4 o'clock p. m. to-day at his late residence in this city.

*Resolved*, That as a further mark of respect his remains be removed from his late home in this city to Nevada, Mo., for burial in charge of the Sergeant at Arms, attended by the committee, which shall have full power to carry these resolutions into effect.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives.

*Resolved*, That as a further mark of respect to the memory of the deceased the Senate do now adjourn.

And that in compliance with the foregoing resolutions the Vice President had appointed as said committee Mr. REED, Mr. HITCHCOCK, Mr. SMITH of Arizona, Mr. PITTMAN, Mr. JONES of New Mexico, Mr. KING, Mr. KENDRICK, Mr. GALLINGER, Mr. SMOOT, Mr. CURTIS, Mr. SUTHERLAND, and Mr. FERNALD.

#### DEATH OF SENATOR WILLIAM J. STONE, OF MISSOURI.

Mr. SHACKLEFORD. Mr. Speaker, I send to the desk the following resolutions and move their adoption.

The Clerk read as follows:

#### House resolution 312.

*Resolved*, That the House has heard with profound sorrow of the death of Hon. WILLIAM J. STONE, a Senator of the United States from the State of Missouri.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That a committee of 19 Members be appointed on the part of the House to join the committee appointed on the part of the Senate to attend the funeral.

The resolutions were agreed to.

The SPEAKER appointed as the committee to attend the funeral the following Members: Mr. RUCKER, Mr. SHACKLEFORD, Mr. BOOHER, Mr. ALEXANDER, Mr. BORLAND, Mr. HAMLIN, Mr. RUSSELL, Mr. RUBEY, Mr. DICKINSON, Mr. HENSLEY, Mr. IGOE, Mr. DECKER, Mr. ROMJUE, Mr. DYER, Mr. MEEKER, Mr. LINTHICUM, Mr. TEMPLE, and Mr. RAINEY.

The Clerk read the following additional resolution.

*Resolved*, That as a further mark of respect the House do now adjourn.

Accordingly (at 3 o'clock and 30 minutes p. m.) the House adjourned until to-morrow, Tuesday, April 16, 1918, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Treasury, transmitting a communication from the Acting Secretary of the Interior submitting an alternative estimate of appropriation required by the Interior Department for care and custody of the insane in Alaska (H. Doc. No. 1044); to the Committee on Appropriations and ordered to be printed.



2. A letter from the Acting Secretary of the Treasury, transmitting an additional urgent deficiency estimate of appropriation in the sum of \$100,000 required by the Division of Printing and Stationery of this department for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1918 (H. Doc. No. 1045); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Acting Secretary of the Treasury, transmitting copy of a communication from the Acting Secretary of War submitting a supplemental estimate of appropriation required by the War Department for military post exchanges, fiscal year 1919 (H. Doc. No. 1046); to the Committee on Military Affairs and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the Acting Secretary of War submitting a proposed change in the wording of the estimate of appropriation heretofore submitted by the Engineer Department of the Army for the purchase or construction of a patrol vessel for the prevention of deposits in the harbor of New York (H. Doc. No. 1047); to the Committee on Appropriations and ordered to be printed.

5. A letter from the Acting Secretary of the Treasury, transmitting copy of communication from the United States Shipping Board submitting a supplemental estimate of appropriation required by the board for the acquisition or establishment of plants for concrete-ship building (H. Doc. No. 1048); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII.

Mr. FOSTER, from the Committee on Mines and Mining, to which was referred the bill (H. R. 11259) to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply, reported the same with amendment, accompanied by a report (No. 493), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. SIEGEL: A bill (H. R. 5271) authorizing appointment of chaplains at large for the United States Army; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11464) to define criminal syndicalism, prohibiting the advocacy thereof and the advocacy of crime, sabotage, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends, and assemblage for the purpose of such advocacy; declaring it unlawful to permit the use of any place, building, or rooms for such assemblage in certain cases; and providing penalties for violations of the provisions thereof; to the Committee on the Judiciary.

By Mr. GOULD: A bill (H. R. 11465) to provide for an aircraft administrator, and for other purposes; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 11466) granting a pension to Zephia I. Eaton; to the Committee on Invalid Pensions.

By Mr. FESS: A bill (H. R. 11467) granting an increase of pension to Lewis W. Crane; to the Committee on Invalid Pensions.

By Mr. FRANCIS: A bill (H. R. 11468) granting a pension to Beatrice Edwardy; to the Committee on Pensions.

By Mr. GOOD: A bill (H. R. 11469) granting an increase of pension to William Ellison; to the Committee on Pensions.

By Mr. LANGLEY: A bill (H. R. 11470) to authorize the President to award a medal of honor to Maj. B. F. D. Fitch, for conspicuous bravery rendered on the man-of-war *Varuna* on April 24, 1862; to the Committee on Military Affairs.

By Mr. MADDEN: A bill (H. R. 11471) granting a pension to Clara A. Rice; to the Committee on Pensions.

Also, a bill (H. R. 11472) to correct the military record of Cuthbert W. Laing; to the Committee on Military Affairs.

By Mr. MILLER of Minnesota: A bill (H. R. 11473) granting an increase of pension to Henrietta Round; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11474) granting a pension to Eli Gusdonowicz; to the Committee on Pensions.

Also, a bill (H. R. 11475) for the relief of William A. Specht; to the Committee on Claims.

By Mr. ROSE: A bill (H. R. 11476) granting an increase of pension to Levi H. Figard; to the Committee on Invalid Pensions.

By Mr. RUSSELL: A bill (H. R. 11477) granting a pension to Jesse A. Smith; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 11478) granting a pension to S. P. Battle; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Mississippi: A bill (H. R. 11479) for the relief of the heirs or legal representative of Nat W. Fant, deceased; to the Committee on Claims.

By Mr. WEAVER: A bill (H. R. 11480) for the relief of Thomas Monteith; to the Committee on Claims.

Also, a bill (H. R. 11481) for the relief of Cary B. Moore; to the Committee on Claims.

Also, a bill (H. R. 11482) granting an increase of pension to Thomas J. Bradshaw; to the Committee on Invalid Pensions.

Also, a bill (H. R. 11483) granting a pension to Mrs. Cornelia Deal; to the Committee on Pensions.

Also, a bill (H. R. 11484) granting a pension to Annie Trexler; to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ELSTON: Petition of Berkeley (Cal.) Woman's Christian Temperance Union, for the passage of a bill to prohibit the waste of foodstuffs in the production of wines and malt liquors; to the Committee on the Judiciary.

By Mr. ESCH: Resolution of the executive committee of the National Security League, asking that the Bureau of Public Information be composed of three or five men selected because of high standing and not because of political affiliations; to the Committee on Military Affairs.

Also, petition of Milwaukee-Downer College, Milwaukee, Wis., favoring the Pon bill to exempt religious and educational bequests from taxation; to the Committee on Ways and Means.

By Mr. FULLER of Illinois: Petition of the Daughters of the American Revolution of Illinois, favoring universal military training; to the Committee on Military Affairs.

By Mr. KINKAID: Petition of citizens of Scottsbluff, Nebr., in behalf of conservation of foodstuffs by the prevention of the use of grain for the manufacture of intoxicating liquor; to the Committee on Agriculture.

By Mr. LONERGAN: Memorial of Hartford Grade Teachers' Club, of Hartford, Conn., protesting in re postal increase; to the Committee on Ways and Means.

By Mr. RAMSEYER: Petition signed by 116 citizens of Pulaski and vicinity, Davis County, Iowa, asking and urging legislation for immediate war prohibition to prevent the waste of grain in the manufacture of alcoholic liquors; to the Committee on Agriculture.

By Mr. ROSE: Petition of the Presbyterian Churches of Vintondale and Gallitzin, Pa., opposing the increase of postal rates on periodicals; to the Committee on the Post Office and Post Roads.

By Mr. TEMPLE: Petition of civil-service employees of Lock No. 4, Monongahela River, Pa., for the support of House bill 7356; to the Committee on Appropriations.

#### SENATE.

TUESDAY, April 16, 1918.

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, Thou hast placed reverence to Thy name the first of the great commandments. Thou hast taught us, both by revelation and by experience, reverence for Thy holy name as the first obligation of human life. We pray that we may be enabled to measure our responsibilities and duties in the light of Thy revealed truth. While we abhor that which is low and mean and sensual in life, grant that sacred things may be placed first in our thoughts and that God's name may be above every name. We reverence Thy name and worship Thee, and pray Thee to guide us this day to Thine own honor and glory. For Christ's sake. Amen.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.